

Mapping child protection systems in the EU (27)

France

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1. Legislative and regulatory framework and policies

1.1. Overview of normative and regulatory framework

Please provide an overview of the normative legal and regulatory framework of the national and sub-national child protection system. Include information on the scope of the child protection system, the specific needs it addresses, the human and financial resources allocated, and any relevant cultural, social, and historical factors. Please indicate the current priority areas in child protection.

In France, the child protection system aims to "ensure that the child's basic needs are considered, support their development (...) and preserve their health, safety, morality and education, while respecting their rights". It involves "taking into account the difficulties parents may face in exercising their educational responsibilities" and "providing appropriate support by ensuring, where appropriate, partial or total care of the child". The system "is also intended to prevent the difficulties that juveniles deprived (...) of the protection of their families may face and to ensure their care".¹

The system relies on multiple actors involved in the administrative and judicial areas. In accordance with the transfer of competencies enacted by the decentralisation process initiated in the 1980s, departmental councils play a predominant role. Their child welfare system services (*aide sociale à l'enfance* - ASE) decide on administrative protection and support measures. The intervention of the judiciary, through a specialised juvenile court judge, is subsidiary, operating in civil matters when "the health, safety or morality of an unemancipated juvenile are in danger, or if the conditions of their education or development (...) are seriously compromised".² The child welfare system applies the measures decided by the juvenile court judge. In practice, the implementation of measures is assumed by the accredited associations, which are therefore the main operators of the child protection system.

The resources allocated to the child protection system are primarily provided by departmental councils. In 2020, their spending came to 8.14 billion euros,³ for 194,000 children in institutional care and 175,000 children in home care.⁴ The State's financial contribution is primarily intended to ensure the operation of the judicial system for children in danger - 831.2 million allocated to Judicial youth protection (*Protection judiciaire de la jeunesse* - PJJ) in 2021.⁵ It also includes funding for the National observatory for child protection (*Observatoire national de la protection de l'enfance* - ONPE), the National Child Endangerment Hotline (*Service national d'accueil téléphonique de l'enfance en danger* - SNATED), and the France protected childhood public interest group (*groupement d'intérêt public France enfance protégée* - GIP)⁶ - the latter providing the secretariat for the National Council for Child Protection (*Conseil national de la protection de l'enfance* - CNPE) (see 2.1 for further details).

Recent child protection reforms underscore the desire for greater harmonisation of national child protection policy. Established in 2019, the Secretariat of State for Children (*secrétariat d'État chargé de l'enfance*) is responsible for defining and conducting national child protection policy. It relies on the technical expertise of the relevant inter-ministerial departments and operates in conjunction with national consultation and coordination structures (ONPE, GIP, CNPE). Criminal policy on delinquent children is the responsibility of the Ministry of Justice (see 2.1 for further details). However, the departments continue to

¹ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L112-3](#).

² France, Civil Code (*Code civil*), [Article 375](#).

³ France, National Observatory of Social Action (*Observatoire national de l'action sociale* - ODAS), [Annual Survey - Social and medico-social spending in departments](#), October 2021. This spending represents about one-fifth of the total budget allocated by departmental councils to social action.

⁴ *Ibid.* p. 5-6.

⁵ France, Ministry of Justice (*Ministère de la justice*)(2021), [Key figures of justice](#) (*Les chiffres clés de la justice*), p. 5. This spending includes the funding of investigative measures ordered by the judge and carried out by Judicial youth protection (PJJ) officers or authorised civil society structures.

⁶ Jointly funded with the departments for the latter.

set their own agenda for prevention and protection, in particular through the departmental child protection scheme.

1.2. Legal provisions in constitutional, civil, criminal, and administrative law related to children in need of protection

Question	YES	NO	Comments
1.2.1. Does the constitution contain any provisions on children's rights and child protection?	X		The Preamble of the French Constitution contains several provisions relating to children's rights. It refers in particular to the Preamble to the Constitution of 1946 ⁷ (which has constitutional value). ⁸ Paragraph 11 of the latter states that the Nation "ensures everyone, especially children, (...) the protection of health, material security, rest and leisure". In two decisions of March 21, 2019, ⁹ the Constitutional Council (<i>Conseil constitutionnel</i>) enshrined a "[constitutional] requirement to protect the best interests of the child" based on paragraph 11 of the aforementioned Preamble to the Constitution of 1946, as well as paragraph 10 of the same text, according to which "the Nation shall ensure the individual and the family the conditions needed for their development".
1.2.2. Is there a single legal instrument devoted to child protection and child rights, e.g. a Children's Act?		X	Although there is no single legal instrument devoted to these issues, three major laws form the backbone of child protection: the law of March 5, 2007 <i>reforming child protection</i> , ¹⁰ the law of March 14, 2016 <i>on child protection</i> ¹¹ and the law of February 7, 2022 <i>on child protection</i> . ¹² (See para. 1.2.3 for further details).

⁷ France, [Preamble of the Constitution of 4 October 1958](#).

⁸ France, Constitutional Council (*Conseil constitutionnel*), [Decision No. 71-44 DC](#), 16 July 1971.

⁹ France, Constitutional Council (*Conseil constitutionnel*), [Decision No. 2019-778 DC](#), 21 March 2019, para. 60 ; France, Constitutional Council (*Conseil constitutionnel*), [Decision No. 2018-768](#), 21 March 2019, para. 6.

¹⁰ France, [Law No. 2007-293 reforming child protection](#) (*Loi No. 2007-293 reformant la protection de l'enfance*), 5 March 2007.

¹¹ France, [Law No. 2016-297 on child protection](#) (*Loi No. 2016-297 relative a la protection de l'enfant*), 14 March 2016.

¹² France, [Law No. 2022-140 on child protection](#) (*Loi No. 2022-140 relative a la protection des enfants*), 7 February 2022.

1.2.3. Please provide an inventory of key child protection related legislation, including hyperlinks, date of adoption and the areas covered. Please include civil, criminal, and administrative legislation covering different areas of child protection (please add rows, as needed).

Legislation	Date passed	Child protection areas covered
Law No. 98-468 <i>on the prevention and repression of sexual offences and the protection of juveniles</i> ¹³	June 17, 1998	The law has two main components: the first, regarding the perpetrators of sexual offences, provides for, among other things, a socio-judicial follow-up with a treatment order, the creation of a national genetic fingerprint file, and the increase of penalties for sexual offences against juveniles under 15 years of age; the second concerns victims who are juveniles and provides for, among other things, full coverage of health care following the assault and the recording of the juvenile's hearings with their consent or that of their legal representative (the consent requirement was abolished in 2007). ¹⁴
Law No. 2002-2 on the renewal of social action and medico-social action	January 2, 2002	The law aims to safeguard the individual rights and freedoms guaranteed to minors in child protection care. In particular, article L. 311-3 of the Social Action and Family Code refers to respect for dignity, integrity, privacy, intimacy and safety.
Law No. 2004-1 on the care and protection of children	January 2, 2004	The law introduced a new guiding principle for educational assistance, namely respect for the interests of the child, derived from the International Convention on the Rights of the Child. Article 375-1 of the Civil Code now reads as follows: the children's judge "must always endeavour to obtain the support of the family for the measure envisaged and decide in strict consideration of the interests of the child".
Law No. 2007-293 <i>reforming child protection</i> ¹⁵	March 5, 2007	The law addresses a number of issues, ¹⁶ including: <ul style="list-style-type: none"> - a clarification of the distribution of competences and of the reference vocabulary in child protection matters, in particular by favouring the use of administrative measures rather than judicial authorities; - an emphasis on prevention, with medical and social monitoring of young children (<i>la Protection maternelle et infantile</i>, PMI, playing a key role in the process, with home monitoring and post-natal counselling for parents);

¹³ France, [Law No. 98-468 on the prevention and repression of sexual offences and the protection of juveniles](#) (*Loi n° 98-468 relative à la prévention et à la répression des infractions sexuelles ainsi qu'à la protection des mineurs*), 17 June 1998.

¹⁴ France, [Law No. 2007-291 tending to reinforce the balance of the penal procedure](#) (*Loi n° 2007-291 tendant à renforcer l'équilibre de la procédure pénale*), 5 March 2007.

¹⁵ France, [Law No. 2007-293 reforming child protection](#) (*Loi No. 2007-293 reformant la protection de l'enfance*), 5 March 2007.

¹⁶ For further information, France, ONED, [The 7 issues of the law of March 5, 2007 reforming child protection](#) (*Les 7 enjeux de la loi du 5 mars 2007 réformant la protection de l'enfance*).

		<ul style="list-style-type: none"> - the revision of the departmental alert system aimed at collecting information on children at risk/in danger (set up in 1998),¹⁷ in particular with the centralisation of information of concern on children in danger by the Departmental Council (<i>Conseil départemental</i>); - the clarification of the duties of the National Child Abuse Hotline (<i>service national d'accueil téléphonique pour l'enfance en danger</i> - SNATED) (set up in 1998).¹⁸ - the emphasis on cooperation between childcare actors and the administrative authority, with the promotion of local agreements. Departmental Child Protection Observatories (<i>Observatoires départementaux de la protection de l'enfance</i> - ODPE) are created to monitor, assess and make recommendations on child protection in the department; - the inclusion of references to the best interests of the child and the child's right to information in certain provisions, in particular with respect to continuity of contact with parents, or more broadly to guide decisions regarding children in danger; - suitable and diversified care with the creation of new measures; - the reinforcement of training obligations for professionals working in the field of child protection.
Law No. 2007-308 on the reform of the legal protection of adults ¹⁹	March 5, 2007	The law deals with the guardianship judge, the division of powers between the Public Prosecutor and the departmental Prefect, and the methods involved in monitoring protection.
Law No. 2016-297 on child protection ²⁰	March 14, 2016	<p>The law of March 14, 2016 supplements the law of March 5, 2007 and redefines the legislative framework for child protection. The law's main measures include:</p> <ul style="list-style-type: none"> - the reform of simple adoption (made irrevocable during the minority of the adopted child, except for serious reasons); - the requirement to notify the juvenile court judge of any change in the placement setting. - reform of the procedure for judicial declaration of abandonment; - the systematic appointment, by the juvenile court judge, of an ad hoc administrator, independent of the child welfare system (ASE), responsible for

¹⁷ France, [Law No. 89-487 on the prevention of child abuse and neglect and child protection](#) (*Loi n° 89-487 relative à la prévention des mauvais traitements à l'égard des mineurs et à la protection de l'enfance*), 10 July 1989.

¹⁸ France, [Law No. 89-487 on the prevention of child abuse and neglect and child protection](#) (*Loi n° 89-487 relative à la prévention des mauvais traitements à l'égard des mineurs et à la protection de l'enfance*), 10 July 1989.

¹⁹ France, [Law No. 2007-293 reforming child protection](#) (*Loi No. 2007-293 reformant la protection de l'enfance*), 5 March 2007.

²⁰ France, [Law No. 2016-297 on child protection](#) (*Loi No. 2016-297 relative à la protection de l'enfant*), 14 March 2016.

		<p>representing the juvenile's interests in the educational assistance procedure when they are in opposition to those of the holders of parental authority;</p> <ul style="list-style-type: none"> - the redefining of the project for the child (<i>projet pour l'enfant</i> - PPE) and the possibility for the family assistant to carry out a number of daily actions within the framework of this project on their own initiative; - the addition of the ASE's duties to ensure the stability of the child's pathway; - the clarification of the definition of incest; - the attribution to the Departmental Observatories for Child Protection (<i>Observatoires départementaux de protection de l'enfance</i> - ODPE) of a training role for child protection professionals. <p>At the institutional level, the law provides for the creation of a National Council for Child Protection (<i>Conseil national de la protection de l'enfance</i> - CNPE). In addition, the National Observatory for Children in danger (<i>Observatoire national de l'enfance en danger</i> - ONED), created in 2004,²¹ became the National Observatory for Child Protection (<i>Observatoire national de la protection de l'enfance</i> - ONPE) in order to enact the change in its field of action and emphasize its links with ODPEs.</p>
<p>Law No. 2021-218 ratifying Order No. 2019-950 of September 11, 2019 on the legislative part of the juvenile criminal justice code²²</p>	<p>February 26, 2021</p>	<p>The law codifies the law applicable to juvenile criminal justice. The new juvenile criminal justice code reinforces the main principles of juvenile criminal justice enshrined in the Order of 1945, which the Constitutional Council (<i>Conseil constitutionnel</i>) has given constitutional value,²³ namely:</p> <ul style="list-style-type: none"> - the mitigation of the criminal responsibility of juveniles according to their age (excuse of minority), - the primacy of educational support over repression and - the specialisation of jurisdictions and procedures (see 1.4.10). <p>The code also ratifies the abolition of the procedure of instruction before the juvenile court judge (consecrated by a law of 2011 after a decision of the Constitutional Council, which requires the instruction to be conducted by another judge).²⁴</p>

²¹ France, [Law No. 2004-1 on childcare and child protection](#) (*Loi n° 2004-1 relative à l'accueil et à la protection de l'enfance*), 2 January 2004.

²² France, [Law No. 2021-218 ratifying Order No. 2019-950 of September 11, 2019 on the legislative part of the juvenile criminal justice code](#) (*Loi n° 2021-218 ratifiant l'ordonnance n° 2019-950 du 11 septembre 2019 portant partie législative du code de la justice pénale des mineurs*), 26 February 2021.

²³ France, Constitutional Council (*Conseil constitutionnel*), [Decision No. 2002-461 DC](#), 22 August 2002, cons. 27.

²⁴ France, [Law No. 2011-1940 to establish a citizen service for juvenile offenders](#) (*Loi n° 2011-1940 visant à instaurer un service citoyen pour les mineurs délinquants*), 26 December 2011 ; France, Constitutional Council (*Conseil constitutionnel*), [Decision No. 2011-147 QPC](#), 8 July 2011.

<p>Law No. 2021-478 to protect juveniles from sexual crimes and incest²⁵</p>	<p>April 21, 2021</p>	<p>The law removes the requirement of the child's consent for sexual relations between an adult and a juvenile under the age of 15 when the age difference between the adult and the juvenile is at least 5 years, or between an adult and a juvenile in cases of incest. In these cases, the judge no longer has to establish violence, coercion, threat or surprise to qualify the rape or sexual assault. The law also extends the scope of incest to great-uncles and great-aunts.</p> <p>In addition, the text creates an offence punishing the fact that an adult incites a juvenile to engage in sexual practices on the Internet, reinforces the penalties for pimping and prostitution of juveniles and automates registration in the FIJAIS of decisions concerning the offences provided for in article 706-47 of the Criminal Procedure Code, regardless of the prison sentence incurred when the victim is a child, unless, in the case of an offence punishable by a sentence of less than 5 years, the court or the public prosecutor excludes it by a specially reasoned decision.</p>
<p>Law No. 2022-140 on child protection²⁶</p>	<p>February 7, 2022</p>	<p>The law aims to reassert the state's coordination function in child protection and includes a number of measures to that effect:²⁷</p> <ul style="list-style-type: none"> - Provisions relating to childcare and placement, both with a view to improving childcare and its conditions and strengthening the prerogatives of the juvenile court judge in this area (see 1.4.4). - Changes relating to the protection of unaccompanied minors, mainly regarding the conditions and procedures for access to the child protection system (see 1.4.3). - Provisions relating to children in danger, including prostitution. The law also provides for the generalisation of a "national reference system for the assessment of situations of danger", as well as the supervision of the communication circuit after the sending of information of concern after the assessment (see 1.4.1). - The principle of prohibiting hotel accommodation for children under the age of 21 in child protection care.²⁸ - Strengthening the combat against institutional abuse, with a broader definition of abuse.²⁹ - The improvement in the remuneration of family assistants and their working conditions, as well as the

²⁵ France, [Law No. 2021-478 to protect juveniles from sexual crimes and incest](#) (Loi n° 2021-478 visant à protéger les mineurs des crimes et délits sexuels et de l'inceste), 21 April 2021.

²⁶ France, [Law No. 2022-140 on child protection](#) (Loi No. 2022-140 relative à la protection des enfants), 7 February 2022 (known as the "Taquet Law").

²⁷ France, ONPE, [Law of February 7, 2022 on child protection: context, issues and perspectives](#), May 2022.

²⁸ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 221-2-3](#).

²⁹ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 119-1](#).

	<p>creation of an obligation for the employer to ensure their support.</p> <ul style="list-style-type: none"> - Strengthening the support of young adults, envisaged as a "right under conditions" (tightening the obligations of the departmental council with regard to young adults, systematising the youth commitment contract on leaving the programme, improving access to housing assistance). - Strengthening the maternal and child protection policy (in particular, experimenting with children's and family centers, transforming family planning centers into sexual health centers, and strengthening the care pathway for protected children). - Several provisions relating to the national and local governance of child protection, such as the reform of the National Council for Child Protection (<i>Conseil national de la protection de l'enfance</i> - CNPE) and the creation of the France protected childhood public interest group (<i>groupement d'intérêt public France enfance protégée</i> - GIP), the National Adoption Council (<i>Conseil national de l'adoption</i>) and the National Council for Access to Personal Origins (<i>Conseil national pour l'accès aux origines personnelles</i>) (see 2.1.3).
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1.3. Policy framework

Question	YES	NO	Comments
<p>1.3.1. Is there a specific national or sub-national policy framework and/or a national or sub-national strategy on child rights and/or child protection? If <u>yes</u>, does it require an integrated approach to child protection?</p>	X		<p>The Pact for Children (<i>Pacte pour l'enfance</i>), initiated by the Secretary of State for Child Protection to the Minister of Solidarity and Health in October 2019, is presented as the general framework for national child protection policy. It is based on three pillars³⁰: prevention and support for parents from the fourth month of pregnancy to the child's second birthday (the "1000 first days" strategy); the combat against all forms of violence against children, in particular with the development of the inter-ministerial plan to combat violence against children (see 1.4.1); the reform of the child welfare system (ASE). The third pillar led to the establishing in January 2020 of a national child protection and prevention strategy (<i>stratégie nationale de prévention et de protection de l'enfance</i>).</p>

³⁰ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 25.

			The latter, ³¹ initiated in January 2020, focuses on prevention (mandatory early prenatal interview, increase in the number of pre- and post-natal home visits, creation of new parental relays), on strengthening the pathway for protected children (mandatory complete health check-up for all young people entering the ASE, better control of childcare structures, systematic support for the return home at the end of placement, reform of the status of family assistants), on preparing and securing the adult life of young adults (help in accessing housing, scholarships and higher education), and on "empowering children and ensuring their rights".
1.3.2. Are there national or sub-national plans for action or policies targeting specific groups of children or particular areas, e.g. children with disabilities, children in care?	X		(See <i>policy developments</i> in 1.4.1).
1.3.3. Are there national or sub-national child protection policies regarding children in the digital space and when using online media?		X	<p>There is no policy on this issue as such. However, the development of a national strategy is currently being considered by the Secretariat of State for Children.³²</p> <p>In addition, there are a number of one-off measures to be noted. For example, at the end of November 2022, the President of the Republic initiated a laboratory to develop insight into the protection of juveniles online, in particular with a view to ensuring their double anonymity. A debate has also been initiated on the advisability of introducing a digital majority at 15 years of age.</p> <p>Furthermore, it should be noted that the law of February 7, 2022 requires the websites involved (especially pornographic ones) to prohibit access to juveniles. Finally, a March 2, 2022 law provides for the introduction of parental controls as default on all digital devices.³³</p> <p>Two decrees have been issued to implement Law no. 2022-300 of 2 March 2022 aimed at strengthening parental control of Internet access devices:</p>

³¹ France, [National child protection and prevention strategy](#) (*Stratégie nationale de prévention et de protection de l'enfance*), 2019-2022.

³² France, For the purposes of this research, the authors went beyond primary and secondary sources to interview directly, wherever necessary, public authorities (contacts and discussions with the deputy director of the cabinet of the Secretary of State responsible for children, the deputy director of the General Directorate for Social Cohesion), institutions responsible for children (the former vice-president of the National Council for Child Protection (*Conseil national de la protection de l'enfance*) in particular), and representatives of associations specializing in children's rights and child protection. Contacts were also made with the General Directorate of School Education (*Direction générale de l'enseignement scolaire* - DGESCO) of the Ministry of Education, with staff of departmental child protection services, and with academics working on these issues. Despite reminders, the writers did not receive all the answers to their requests for information, particularly from the DGESCO.

³³ France, [Law No. 2022-300 to reinforce parental control over means of Internet access](#) (*Loi n° 2022-300 visant à renforcer le contrôle parental sur les moyens d'accès à internet*), 2 March 2022.

			<p>- Decree no. 2023-588 of 11 July 2022 (specifying the obligations of terminal manufacturers)³⁴;</p> <p>- Decree no. 2023-589 of 11 July 2022 (in particular specifying the technical means that access providers must offer at no extra cost to control and block access by minor users to content likely to harm their physical, moral or mental development)³⁵.</p> <p>In addition, Act no. 2023-566 of 7 July 2023³⁶ aimed at establishing a digital majority and combating online hate set the age of majority at fifteen.</p> <p>The new article 6-7 I. of Law no. 2004-575 of 21 June 2004 stipulates that "providers of online social networking services operating in France shall refuse registration on their services to minors under the age of fifteen, unless authorisation for such registration is given by one of the holders of parental authority". This law also requires service providers to provide information to minors under the age of fifteen and to those with parental authority about the risks associated with digital use and the means of prevention.</p>
<p>1.3.4. Is there a (regular) child participation policy and/or mechanism and/or body related to child rights and/or other child-related governance at national or sub-national level to ensure children have a (direct) voice in or can indirectly influence policy making, e.g. children's rights forum, child surveys, child participation platform?</p> <p><u>If yes, are appropriate child protection and safety measures in place?</u></p>	X	X	<p>Although one of the aims of the national child protection and prevention strategy is to promote (and empower) young people, the measures to achieve this objective are more concerned with access to schooling and educational support than with participation in decision-making bodies.</p> <p>However, there are several mechanisms for children's participation in consultative bodies.</p> <p>A children's college has been established by the Council for Children and Adolescents (<i>Conseil de l'enfance et de l'adolescence</i> - CEA). This specialised council is part of the High Council for the Family, Children and Age (<i>Haut conseil de la famille, de l'enfance et de l'âge</i> - HCFEA), an advisory body placed under the Prime Minister's authority and responsible for informing the government. The HCFEA is responsible for issuing opinions and recommendations on issues relating to the family, children and the elderly.</p> <p>The CEA's role is to monitor the way in which France directs its public policies in accordance with its</p>

³⁴ [Decree No. 2023-588 of 11 July 2023](#)

³⁵ [Decree No.2023-589 of 11 July 2023](#)

³⁶ [Law No. 2023-566 of 7 July 2023 establishing a digital majority and combating online hate](#)

		<p>international commitments, in particular the United Nations Convention on children's rights (UNCRC). It collects ideas from children and adolescents and interviews children from child protection services. Its role is to ensure the coherence and development of public policies for children and young people, guaranteeing their development, health and education, while respecting their rights.</p> <p>In its report on the activities of the Children's College between 2017 and 2021, the CEA pointed out that the "<i>conditions for successful child participation involve a legal framework, a time frame and a group whose mobilisation respects the diversity of children, is sustained and synchronised</i>".³⁷</p> <p>The reform of the National Council for Child Protection, pursuant to the law of February 7, 2022, provides for the establishing of a college of children and young people protected or leaving child protection systems ("<i>college des enfants et des jeunes protégés ou sortant des dispositifs de la protection de l'enfance</i>").³⁸</p> <p>The Project for the Child ("<i>Projet pour l'Enfant</i>" - PPE), established by the law of March 5, 2007, formalises the process of supporting the child throughout their path through the departmental child protection system. In theory, the child should be involved in the definition and implementing of the PPE "according to their age and level of maturity".³⁹ In practice, in 2020 the Defender of Rights (<i>Défenseure des droits</i>) deplored the lack of consideration for the voice of the child and the insufficient participation of juveniles in decisions regarding them, especially in the definition of the "Project for the Child".⁴⁰</p> <p>At the local level, forums on children's rights are organised once a year by local authorities and/or groups of associations.</p> <p>Some national initiatives can also be mentioned:</p> <ul style="list-style-type: none"> - The introduction of an approach for collecting user satisfaction (children and parents) on the quality of the support provided to them by the Department for the Judicial Protection of Young People (DPJJ) of
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³⁷ HCFEA Council for Children and Adolescents, [The Children's College \(Le Collège des enfants\) 2017-2021](#), 13 July 2022.

³⁸ France, Secretariat of State for Children, [Creation of a New National Council for Child Protection \(Conseil national de la protection de l'enfance - CNPE\)](#), 2 January 2023.

³⁹ For further information, see France, ONPE, [The PPE: organisational status and practices](#), July 2016.

⁴⁰ France, Defender of rights (*Defenseur des droits*)(2020), [Taking the voice of the child into account: a right for the child, a duty for the adult \(Prendre en compte la parole de l'enfant: un droit pour l'enfant, un devoir pour l'adulte\)](#).

			<p>the Ministry of Justice via user satisfaction questionnaires⁴¹;</p> <ul style="list-style-type: none"> - The signing of an agreement between the DPJJ and the national federation of departmental associations providing mutual aid to child protection carers (<i>Fédération nationale des associations départementales d'entraide aux personnes accueillies en protection de l'enfance</i>, FNADEPAPE) in support of a project aimed at institutionalising the participation of young people in the care of the DPJJ in the development of public policies implemented by the DPJJ; - The Council for User Involvement (CEU) of the French National Authority for Health (HAS), which is a permanent support and
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⁴¹ For example, see HAS, [Results of the survey on professional practices contributing to the good treatment of children and adolescents in child and adolescent Child Protection and Protection Judiciaire de la Protection Judiciaire de la Jeunesse](#) (Résultats de l'enquête sur les pratiques professionnelles contribuant à la bienveillance des enfants et des adolescents accueillis dans les établissements de la Protection de l'Enfance et de la Protection Judiciaire de la Jeunesse), 2018.

			resource group that informs the work of the HAS. ⁴²
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1.4. Particular groups of children: information on legislative and policy developments (if any) related to their protection

Please report on any significant developments in the last five years and comment briefly.

When answering you should consider all relevant civil, criminal, and administrative legislation, including regulations, ordinances, codes, ministerial decisions. On policy developments please include any relevant action plan, protocol, procedure, or guidance issued by competent authorities. Please always specify how children’s participation in any respective judicial (civil, criminal, and administrative) proceedings are regulated and supported (e.g. procedural safeguards to be in place, ensuring children’s right to be heard).

1.4.1. Children victims of abuse, exploitation, or neglect	
In the areas of online and offline sexual abuse, pornography, exploitation and child labour, trafficking; domestic violence and gender-based violence including harmful practices, such as genital mutilation, child/forced marriage, honour-related violence; abuse or discrimination; ICT and cyber bullying; school bullying; neglect and children at risk of abuse and neglect, including street children (begging or selling things)	
Policy developments	Legislative developments
<ul style="list-style-type: none"> • Child victims of violence (general) <p>An interdepartmental plan to mobilise and combat violence against children, initiated in 2019 as part of the Pact for Children, has led to the implementation of a set of measures to strengthen national policy in this area,⁴³ including: the creation, in each department, of a care path adapted to child victims of violence; training on abuse of professionals in contact with children; the creation of a website⁴⁴ intended to alleviate the exposure of juveniles to pornography and the adding of a "chat" to the National Child Abuse Hotline (SNATED) (see 2.1.3) in order to "better identify and report children in danger"; the deployment of paediatric childcare and listening units (<i>unités d'accueil et d'écoute pédiatriques</i> - UAPED); the creation of a platform for systematically checking the criminal records of people working with children; the</p>	<ul style="list-style-type: none"> • Prostitution, statutory rape and incest <p>The law of April 21, 2021 establishes a threshold of non-consent for any sexual relationship between an adult and a juvenile under the age of 15, or between an adult and a juvenile in cases of incest. The law also extends the scope of incest to great-uncles and great-aunts and introduces a mechanism for extended statutes of limitation for acts committed by the same perpetrator to the detriment of several victims.⁶³ It also creates an offence of inciting juveniles to engage in sexual practices on the Internet, doubles the penalty for pimping juveniles (to 20 years imprisonment) and automates the registration of perpetrators of sexual offences against juveniles in the automated judicial file of perpetrators of sexual or violent offences.⁶⁴</p>

⁴² See the [HAS' website](#).

⁴³ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 9.

⁴⁴ The website is available at jprotegeenfant.gouv.fr.

⁶³ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 91.

⁶⁴ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 178.

creation of a working group on combating new forms of sexual exploitation; Finally, the initiation of a national plan to combat the prostitution of juveniles. Starting in 2021, this programme provides for the gradual development of support solutions (open support, day care, emergency care, appropriate young adjust accommodation (*hébergement à seuil*), secret accommodation, breakaway accommodation, etc.) for juveniles who are victims of prostitution. It also includes funding for digital marauding to identify juveniles in prostitution and refer them to the appropriate services.⁴⁵ The plan to combat the prostitution of minors also emphasised the need to raise awareness and train professionals to better identify and support minors involved in prostitution.

The French National Authority for Health (*Haute Autorité de santé*) has developed a single reference framework on the assessment of situations of danger for children, designed to improve the quality of the assessment of information of concern and to harmonise practices throughout the country.⁴⁶

In 2019, The Defender of Rights published a report on the role played by public institutions in child abuse. It made several recommendations - some of which have been taken up by the authorities (in particular the ban on corporal punishment) - advocating a change in the way the public authorities are organised in order to prevent such violence.⁴⁷

Following the French President's commitment to make the protection of children a major focus of his second five-year term, on 28 March 2023 the Minister of Justice issued a circular on criminal policy in the fight against violence against children. It calls for a rethink of the judicial treatment of violence against children, based on greater

The law of February 7, 2022 codifies the role of the departmental council in combating the prostitution of juveniles: the latter provides "material, educational and psychological support to a juvenile who engages in prostitution, even occasionally, and who is deemed to be in danger".⁶⁵

- ***Intra-family violence and abuse***

The law No. 2018-703 of August 3, 2018 *strengthening the fight against sexual and gender-based violence* made the presence of a minor at the time of the offence an aggravating circumstance for several offences committed within a couple. This aggravating circumstance means that the minor present at the time of the offence is no longer considered as a mere witness but as a victim of the offence⁶⁶.

The law of July 10, 2019 *on the prohibition of ordinary educational violence* amends Article 371-1 of the Civil Code to include that "*parental authority shall be exercised without physical or psychological violence*",⁶⁷ thus enacting the explicit and total prohibition of corporal punishment.

The law of December 28, 2019 *to act against violence within the family*⁶⁸ requires the court to which is referred a crime or offence of voluntary attack on life or physical integrity or of a sexual nature - committed by a parent on the person of their child - to rule on the total or partial withdrawal of parental authority. It provides for the temporary suspension of parental authority and visiting and accommodation rights for a crime committed against the other parent.⁶⁹

The law of July 30, 2020 *to protect victims of domestic violence* allows the suspension of the

⁴⁵ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 95.

⁴⁶ France, French National Authority for Health, [Comprehensive assessment of the situation of children in danger or at risk of danger: national reference framework](#).

⁴⁷ France, Defender of rights (*Defenseur des droits*)(2019), [Children and Violence: the part played by public institutions](#).

⁶⁵ France, [Social Action and Family Code](#) (*Code de l'action sociale et des familles*), Article L. 221-1.

⁶⁶ France, [Law No. 2018-703 strengthening the fight against sexual and gender-based violence](#) (*Loi n°2018-703 renforçant la lutte contre les violences sexuelles et sexistes*), 3 August 2018

⁶⁷ France, [Law No. 2019-721 on protecting victims of ordinary educational violence](#) (*Loi n° 2019-721 relative à l'interdiction des violences éducatives ordinaires*), 10 July 2019.

⁶⁸ France, [Law No. 2019-1480 to take action against violence within the family](#) (*Loi n° 2019-1480 visant à agir contre les violences au sein de la famille*), 28 December 2019.

⁶⁹ France, Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021, July 18, 2022, CRC/C/FRA/6-7, para. 61.

coordination between the various players. This circular sets out an ambitious criminal justice policy to combat all forms of violence against children. With a view to constantly improving the judicial treatment of violent deaths of children in the family or institutional sphere, it calls for the implementation of systematic experience feedback (RETEX) in this area.

Lastly, it aims to step up the fight against all forms of exploitation to which juveniles are exposed, particularly via social networks or the digital environment, whether this exploitation is part of human trafficking, sexual exploitation or paedophile crime.

To help public prosecutors apply and implement the general guidelines set out in this circular, it is accompanied by a toolbox containing guides, fact sheets, FOCUS, circulars or dispatches, model protocols and examples of good practice in this area, according to the items listed in the circular. [Outside of the reference period]

A new plan to combat violence against children for the period 2023-2027 was announced by the Government on 7 June 2023. The plan is due to be launched in September 2023, and its content is currently being drafted. Its priorities include:

- Training and support for health, education and childcare professionals, to enhance their ability to detect and report situations of violence;
- Deploying educational prevention initiatives to raise awareness among adults and children of the various forms of violence, particularly sexual violence, and ways of dealing with it;
- Special attention to protected children, children with disabilities and children living in overseas territories;
- Increased support for child victims in legal proceedings, to enable them to fully understand their rights and the issues at stake in criminal proceedings;
- Simplification of procedures for minors to enable faster justice;
- Multi-disciplinary care for perpetrators.

violent parent's right of access and accommodation of the juvenile child.⁷⁰

The law of February 7, 2022 also introduces a new Article L. 119-1 into the Social Action and Family Code, giving a broader definition of abuse: "any person in a vulnerable situation when a gesture, word, action or failure to act compromises or harms their development, rights, basic needs or health, and when this harm occurs in a relationship of trust, dependence, care or support. Situations of abuse can be one-time or long-term, intentional or unintentional. Their origin can be individual, collective or institutional. Abuse and neglect can take multiple and associated forms within these situations".⁷¹ The law also provides that a parent deprived of parental authority because of violence against their spouse cannot recover it in the event of the spouse's death.⁷² This law generalises the use of the national reference framework for the overall assessment of the situation of children in danger or at risk of danger, developed by the French National Authority for Health (HAS), thereby improving detection of domestic violence.

- **Harassment at school**

The July 26, 2019 law *for a school of trust* enshrines the right to a harassment-free education.⁷³

- The law of 2 March 2022 aimed at combating harassment at school created an offence of harassment at school punishable by three years' imprisonment and a €45,000 fine where it has caused total incapacity for work of less than or equal to eight days. The offence may be punishable by up to 10 years' imprisonment in the event of suicide or attempted suicide on the part of the victim. **Protection of juveniles on the Internet**

The law of July 30, 2020 *to protect victims of domestic violence* extends the scope of the offence of making available to juveniles messages of a violent nature, inciting to terrorism, pornographic or of a type that seriously undermines human dignity, or engaging in games that physically

⁷⁰ France, [Law No. 2020-936 to protect victims of domestic violence](#) (*Loi n° 2020-936 visant à protéger les victimes de violences conjugales*), 30 July 2020.

⁷¹ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L 119-1](#).

⁷² France, Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021, July 18, 2022, CRC/C/FRA/6-7, para. 63.

⁷³ France, [Law No. 2019-791 for a school of trust](#) (*Loi n° 2019-791 pour une école de la confiance*), 26 July 2019.

[Outside of the reference period]

- **Intra-family violence and abuse**

In 2018, an interdepartmental mission on violent deaths of children within families published an assessment report on the functioning of social, medical, educational and judicial services contributing to child protection. It made a number of recommendations aimed at better identifying, assessing and preventing the risks of infanticide, better organising the response to these risks, better supervision public policies in this area, and better training and awareness-raising for those working with children.⁴⁸

On March 11, 2021, the Secretary of State for Children established an independent commission on incest and child sexual abuse for a period of two years to make recommendations regarding the prevention and protection of child victims of sexual abuse and the fight against the impunity of perpetrators.⁴⁹

The DPJJ has drawn up a set of guidelines for assessing the situation of young people being monitored in criminal matters. It follows on from the national reference framework drawn up by the HAS, mentioned above, and is also designed to help professionals to better assess situations and thus identify a context of domestic violence.⁵⁰

- **Violence and harassment at school**

Article R. 421-20 of the Education Code provides for the implementation of a violence prevention plan, which includes a programme of action against all

endanger them.⁷⁴ From now on, the declaration of a juvenile who has consulted the message, certifying that they are over eighteen years of age, will no longer be sufficient to constitute an exemption from liability for the person.⁷⁵

The law of October 19, 2020 *to control the commercial exploitation of the image of children under sixteen years old on online platforms*⁷⁶ prohibits the exploitation of the image of "child influencers" by their parents without individual authorisation or approval from the administration. As activity of child influencers is considered as a job, they benefit from the protective rules of the labour code. The activity of child influencers that does not fall under an employment relationship is subject to a declaration obligation from a certain threshold of duration and number of videos or income. Parents must also deposit a portion of their child's income with the *Caisse des dépôts et consignations* until the child reaches the age of majority⁷⁷.

The March 2, 2022 law provides for the introduction of parental controls as default on all digital devices⁷⁸.

⁴⁸ France, General Inspectorate of Social Affairs (*Inspection générale des affaires sociales*), General Inspectorate of Justice (*Inspection générale de la justice*) and General Inspectorate of Administration, Education and Research (*Inspection générale de l'administration de l'éducation nationale et de la recherche*), Inter-ministerial mission on violent deaths of children in families, [Assessment of the operation of social, medical, educational, and judicial services contributing to child protection](#), May 2018.

⁴⁹ France, see the Independent Commission's [website](#).

⁵⁰ DPJJ, [Guidelines for assessing the situation of young people being monitored in criminal matters](#) (*Référentiel de l'évaluation de la situation des jeunes dans le champ pénal*), 2022.

⁷⁴ France, Penal code (*Code pénal*), [Article 227-24](#).

⁷⁵ France, [Law No. 2020-936 to protect victims of domestic violence](#) (*Loi n° 2020-936 visant à protéger les victimes de violences conjugales*), 30 July 2020.

⁷⁶ France, [Law No. 2020-1266 to regulate the commercial exploitation of the image of children under the age of sixteen on online platforms](#) (*Loi n° 2020-1266 visant à encadrer l'exploitation commerciale de l'image d'enfants de moins de seize ans sur les plateformes en ligne*), 19 October 2020.

⁷⁷ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 82.

⁷⁸ France, [Law No. 2022-300 to reinforce parental control over means of Internet access](#) (*Loi n° 2022-300 visant à renforcer le contrôle parental sur les moyens d'accès à internet*), 2 March 2022.

forms of harassment, in all schools.⁵¹ A circular from the Ministry of National Education was published for teachers, inspectors and academy rectors, aimed at "reinforcing disciplinary procedures and their follow-up in middle and high schools", "reinforcing the protection of staff", "taking charge of highly disruptive and poly-excluded pupils" and creating a unit to combat violence at school under each academic head.⁵²

The No Harassment ("*Non au harcèlement*") Plan was revised in 2019, and rolled out nationwide in 2021. It includes various measures, including a teaching module on prevention, the establishing of a resource team in the school, and the effective implementing of the violence and harassment prevention plan⁵³.

- ***Protection of juveniles on the Internet***

The French authorities have framed the adoption of a protocol of commitments on parental control⁵⁴ bringing together the government, the Audiovisual Superior Council (*Conseil supérieur de l'audiovisuel - CSA*), the French regulatory authority for electronic communications and posts (*Autorité de régulation des communications électroniques et des postes - ARCEP*), Internet service providers, manufacturers of terminals and operating systems, and several actors in the child protection voluntary sector. The commitments made are monitored by a committee comprising the signatories, under the aegis of the CSA and ARCEP⁵⁵.

The French Data Protection Authority (*Commission Nationale de l'Informatique et des Libertés* (CNIL)) has published a number of recommendations regarding online age verification, aimed at striking a balance between the protection of juveniles and the respect of privacy⁵⁶.

The March 30th, 2009 decree on the repression of digital criminality and on the fight against child pornography, was amended on April 6th, 2022. This modification aims to strengthen the fight against child sexual abuse online. This 2009 decree created

⁵¹ France, see the Ministry of National Education's [website](#).

⁵² France, [Circular No. 2019-122](#), 3 September 2019.

⁵³ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 166.

⁵⁴ France, [Press release on the adoption of this memorandum of understanding](#), 19 December 2019.

⁵⁵ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 83 ([link](#)).

⁵⁶ France, CNIL, [Online age verification: balancing the protection of juveniles and the respect of privacy](#), 26 July 2022.

the National Center for child sexual abuse material analysis (Centre national d'analyse des images de pédopornographie, CNAIP), which is managed by the French Gendarmerie Cyberspace Command (ComCyberGend). The main CNAIP's mission is to identify victims or potential victims, as well as offenders of child sexual abuses (CSA), managing for this purpose the CSA material national database (CALIOPE).

Since 13 April 2021, a single helpline number dedicated to combating online violence against minors, 3018, has been in place and is managed by the e-Enfance association⁵⁷. The DPJJ has signed a partnership agreement with this association to provide for awareness-raising modules on cyber-violence and cyber-harassment for minors, their parents and professionals.

- ***Victims of child trafficking***

The second national plan to combat human trafficking⁵⁸ (*traite des êtres humains* - TEH) provides for the generalisation of the experimental system for the protection of juvenile victims set up in 2016⁵⁹ and the creation of safe and secure centers for juveniles in danger (education, psychological, judicial and health support).⁶⁰

Training on THBQ has been developed:

- Raising awareness of the above-mentioned reference framework among professionals by the National School for the Judicial Protection of Youth (ENPJJ) in conjunction with the National Centre for the Territorial Civil Service (CNFPT),
- Training on the specific features relating to minors who are victims of THB provided at the National School for the Judiciary (ENM)⁶¹,
- A training guide for professionals on identifying and protecting victims of trafficking in human beings has been drawn up by the

⁵⁷ France, [Association e-Enfance – 30.19](#)

⁵⁸ France, [2nd national action plan against human trafficking 2019-2021](#), at p. 19.

⁵⁹ France, for an example of a protocol for setting up such a system in the jurisdiction of the Marseilles judicial court, see [the Marseilles Bar Association website](#).

⁶⁰ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 186.

⁶¹ Further information in the [ENM education catalogue](#).

<p>Interministerial Mission for the Protection of Women against Violence and the Fight against Trafficking in Human Beings (MIPROF).⁶²</p> <p>A specialised and secure reception centre was created on 5 May 2021 to shelter minors victims of THB from the networks, provide them with individualised, multi-disciplinary monitoring and work on their referral to mainstream services.</p>	
<p>1.4.2. Children with disabilities</p> <p>Please include children with learning difficulties, autism, and mental health impairments / psycho-social disabilities, severe chronic illnesses that prevent them e.g. from attending onsite school or sports activities</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>According to the government, the enrolment of children with disabilities in schools increased by 11% between 2006 and 2018 (approximately 338,000 in regular settings and 80,000 in hospital or medical-social settings).⁷⁹</p> <p>The 2018-2022 National parenting support strategy (<i>stratégie nationale de soutien à la parentalité</i>) included several considerations related to children's disabilities. It emphasized the need to recognise and value parenting skills and to support the families involved in their specific needs, in particular by promoting access to pre-conception guidance and by improving a number of measures (partnership between health, disability and parenting actors, etc.; access to technical aids and suitable childcare equipment; psychological support for parents; access to financial aid).⁸⁰</p> <p>The 2018-2022 National autism and neurodevelopmental disorders strategy (<i>stratégie nationale autisme et troubles du neurodéveloppement</i>)⁸¹ contained a number of measures related to children. In particular, it focused on the need to:</p>	<p>The law of July 26, 2019 <i>for a school of confidence</i> provides for the inclusion, in the initial training of teachers, of content for the education of children with disabilities.⁸⁷</p> <p>The law of February 7, 2022 amends Article L. 223-1-1, which now provides that the "project for the child" must ensure the coordination of the care path for children with disabilities.⁸⁸</p>

⁶² MIPROF, [Training guide on identifying and protecting victims of trafficking in human beings](#) (*L'identification et la protection des victimes de traite des êtres humains*), 2022.

⁷⁹ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 186

⁸⁰ France, [National parenting support strategy](#) (*Stratégie nationale de soutien à la parentalité*), 2018-2022, pp. 44-45.

⁸¹ France, [National strategy for autism within neurodevelopmental disorders](#) (*Stratégie nationale pour l'autisme au sein des troubles du neurodéveloppement*), 2018-2022.

⁸⁷ France, [Law No. 2019-791 for a school of trust](#) (*Loi n° 2019-791 pour une école de la confiance*), 26 July 2019.

⁸⁸ France, [Social Action and Family Code](#) (*Code de l'action sociale et des familles*), [Article L. 223-1-1](#).

- Provide early intervention for children "with unusual developmental differences", with the earliest possible identification by health and early childhood professionals (through an "early intervention package" based on the establishing of referral and coordination platforms by regional health agencies (ARS)), rapid treatment and an early care path, and financial assistance to families.
- Catch up with the backlog in schooling, by generalising access to school for autistic children, personalising their pathway and ensuring continuity up to social inclusion and employability.
- Strengthen support for families and the recognition of their expertise, through a system that allows for a shift from placement to home support, the development of training for family caregivers, the taking into account of disorders in the assessment of the situation of a child in danger, and the provision of information for professionals, individuals and their families.

The national strategy for sport and disability (2020-2024) contains a section devoted to the practice of sport for children with disabilities during school, extracurricular and after-school time activities. This includes improving access to physical education and sports classes by offering appropriate activities, strengthening training and awareness, and developing multi-stakeholder partnerships.⁸²

The High council on family, children and age (*Haut conseil de la famille, de l'enfance et de l'âge* - HCFEA) and the National advisory council on disability (*Conseil national consultatif des personnes handicapées* - NACD) established a Commission to Promote good treatment and combat abuse in 2018.⁸³

In the same year, the French National Authority for Health (HAS) published recommendations for clinical practice for better management of autism.⁸⁴ In 2021, the HAS published recommendations for professionals in the social and medico-social sector regarding the assistance and support of the educational pathways of children with disabilities.⁸⁵

⁸² France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 49 ([link](#)).

⁸³ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 87 ([link](#)).

⁸⁴ France, HAS, [Autism spectrum disorders. Warning signs, identification, diagnosis, and assessment in children and adolescents](#) (*Troubles du spectre de l'autisme. Signes d'alerte, repérage, diagnostic et évaluation chez l'enfant et l'adolescent*), February 2018.

⁸⁵ France, HAS, [Supporting schooling and contributing to school inclusion](#) (*Accompagner la scolarité et contribuer à l'inclusion scolaire*), September 2021.

The seventh Interdepartmental Committee on Disability (*comité interministériel du handicap - CIH*) was held on October 6, 2022 under the chairmanship of the Prime Minister. The committee made several commitments, including the implementing of a number of priority measures, such as not including the spouse's income in calculating the adult disability allowance by October 2023 or the simplification of the procedures for assessing and granting aid.⁸⁶

1.4.3. Children in the context of migration

Specific thematic areas: unaccompanied-separated children from third countries and within the EU; children in undocumented – irregular migrant families; asylum seeking children; refugee children

Policy developments

The national strategy for child prevention and protection (see 1.4.1) includes measures to facilitate the employability of former unaccompanied minors (MNA).

In a decision of March 17, 2021, the Defender of Rights considered that the criterion of strict respect for the best interests of the child also applied to decisions on the referral of unaccompanied juveniles (MNA).⁸⁹ It also considered that the distribution system should take into account the number of persons claiming to be unaccompanied juveniles and needing to be sheltered in each department, so as not to penalise departments that are heavily involved in caring for and sheltering new arrivals.⁹⁰ In addition, although the law of February 7, 2022 explicitly states that a person's majority cannot be deduced from their refusal to be fingerprinted. The Defender of Rights was concerned that the Law does not explicitly stipulate the right to refuse to provide information and recommended that an ad hoc administrator should be appointed for each young person claiming to be a juvenile to assist, inform and support them throughout the procedure.

Legislative developments

The law of February 7, 2022 brings a number of innovations in this area.

In particular, it provides for the change in the national distribution key for unaccompanied minors (MNA). In addition to the demographic and the number of unaccompanied foreign taken into care, a socio-economic criterion and a criterion related to the number of young adults supported by departments have been added.⁹⁶

The law also establishes the prohibition of the re-assessment of minority and isolation by departmental councils,⁹⁷ the obligation of cooperation between the departmental council and the prefecture regarding the assessment of minority and isolation⁹⁸ (the departmental council must duly control the conditions of this assessment), as well as the implementation of various provisions relating to the support of unaccompanied minors. The law of March 14, 2016 established a specific temporary emergency care for persons who declare themselves to be juveniles and deprived of family protection. In addition, the law of February 7, 2022 recognises a period of respite for them.⁹⁹

⁸⁶ France, see [web page](#) of the seventh committee presentation.

⁸⁹ France, Defender of Rights (*Défenseur des droits*), [Decision No. 2021-070 on the situation of unaccompanied minors in department](#) (*Décision No. 2021-070 relative à la situation des mineurs non accompagnés dans le département*), 17 March 2021.

⁹⁰ France, Defender of rights (*Défenseur des droits*), [Report « Unaccompanied minors under the law »](#) (*Rapport « Les mineurs non accompagnés au regard du droit »*), 3 February 2022.

⁹⁶ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 221-2-2](#).

⁹⁷ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 221-2-5](#).

⁹⁸ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 221-2-4](#).

⁹⁹ France, Council of State (*Conseil d'État*), [Decision No. 428478](#), 5 February 2020.

The High Council of Public Health (*Haut Conseil de la Santé Publique* - HCSP) has recommended a systematic health check-up for all young exiles in the assessment phase.⁹¹ This measure is subject to the general legal framework on consent to care for children (see the cell on the right).

In its 2021 report on juveniles in detention, the Controller General of Places of Deprivation of Liberty (*Contrôleur général des lieux de privation de liberté*) devoted several developments to the situation of foreign juveniles in detention.⁹²

On February 8, 2023, the Directorate for Research, Studies, Assessment and Statistics (*Direction de la Recherche, des Études, de l'Évaluation et des Statistiques* - DREES) published a study on young people in child welfare facilities. It noted that at the end of 2017, 28,000 unaccompanied minors were in the care of child welfare system services (ASE), and of these, 11,400 were in an ASE child welfare facility. Nine out of ten were in school.

Between 1 January and 31 December 2022, the National Mission for Unaccompanied Minors (*Mission nationale mineurs non accompagnés*) was informed of 14,782 court-ordered placement decisions concerning persons recognized as unaccompanied minors.

A Senate information report on unaccompanied minors issued at the end of September 2021 made some 40 proposals to establish a national policy on the entry and care of unaccompanied minors.⁹³ Some of these recommendations (prohibition of hotel accommodation, introduction of respite care, etc.) were included in the law of 7 February 2022.

A reform of the asylum system is currently being prepared. The bill has not yet been tabled in Parliament.

Created by decree on January 30, 2019,¹⁰⁰ Article R. 221-15-1 of the Social Action and Family Code provides for the establishing of a minority assessment support file (*fichier d'appui à l'évaluation de la minorité* - AEM). This file allows departmental councils, whose role is to assess the minority of persons declaring themselves to be juveniles and requesting social assistance for children, to ask the State services for verification of information likely to facilitate this assessment.

Created by decree on June 27, 2019, Article R. 221-12 of the Social Action and Family Code¹⁰¹ states that the lump-sum government contribution to the départements includes an initial assessment of the health needs of people presenting themselves as unaccompanied minors. The law of December 24, 2019 modified Article L. 223-1-1 of the same code¹⁰². It introduced a health and prevention assessment. A guide to good practice for the initial assessment of health needs during the period of emergency temporary reception was published at the end of 2022.

Article L. 223-1-1 of the Social Action and Family Code¹⁰³ provides for a compulsory health and prevention check-up to be carried out when any minor enters the child protection system. This check-up aims to identify "the prevention and care needs to improve the child's physical and psychological health, which must be integrated into the child's project". Although no details are provided on the child's free and informed consent, Article 375 of the Civil Code¹⁰⁴ allows the Child Welfare Service (*Aide sociale à l'enfance*) to ask the juvenile court judge to authorize "the person, service or establishment to which the child is entrusted to exercise one or more specific acts of parental authority in the event of abusive or unjustified refusal or negligence by the holders of parental authority".

⁹¹ France, HCSP, [Advisory report on the health assessment of foreign unaccompanied children](#) (*Avis relatif au bilan de santé des enfants étrangers isolés*), 7 November 2019.

⁹² France, CGLPL, [The fundamental rights of minors in detention](#) (*Les droits fondamentaux des mineurs enfermés*)(2021).

⁹³ France, H. Bourgui, L. Burgoa, X. Lacovelli and H. Leroy (Senators), [Information Report on behalf of the Committee on Social Affairs \(1\) and the Committee on Constitutional Law, Legislation, Universal Suffrage, Regulations and General Administration \(2\) on unaccompanied minors](#) (*Rapport d'information fait au nom de la commission des affaires sociales (1) et de la commission des lois constitutionnelles, de législation, du suffrage universel, du Règlement et d'administration générale (2) sur les mineurs non accompagnés*), 29 September 2021.

¹⁰⁰ France, [Decree No. 2019-57](#), 30 January 2019.

¹⁰¹ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article R. 221-12](#).

¹⁰² France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 223-1-1](#).

¹⁰³ France, [Article L. 223-1-1 of the Social Action and Family Code](#).

¹⁰⁴ France, [Article 375 of the Civil Code](#).

The identification and registration of Ukrainian children seeking asylum is carried out under the admission procedure for temporary protection as provided for in Council Directive 2001/55/EC of 20 July 2001.⁹⁴ Beyond this admission procedure, no specific active identification and registration policy seems to have been put in place. However, the Ministry of the Interior has published a welcome booklet for people who have left Ukraine because of the conflict. Written in French and Ukrainian, it provides essential information for staying in France.⁹⁵ reception points organised in the country to respond to the Ukrainian situation; procedures for benefiting from temporary protection; information on the allowance for asylum seekers (*allocation pour demandeurs d'asile*) (ADA); emergency accommodation available; answers to many questions that may arise in terms of transport, employment, schooling and meeting the needs of people with disabilities. In practice, it falls to the prefectures to inform and direct the persons concerned towards the relevant reception and care facilities (reception centres, hostels, temporary accommodation offered by private individuals, etc.).

Apart from this provision, the general framework for minors' consent to health care seems to apply. In principle, any decision relating to the child's health must be the subject of free and informed consent by the holders of parental authority and the consent of the minor must be systematically sought "if he or she is capable of expressing his or her will and participating in the decision"¹⁰⁵. However, the law provides for exceptions, in particular when the refusal of treatment by the holder of parental authority "may have serious consequences for the health of the minor". Similarly, the doctor "may be exempted from obtaining the consent of the holder of parental authority on medical decisions to be taken when the preventive action, screening, diagnosis, treatment or intervention is necessary to safeguard the health of a minor, if the minor expressly refuses consultation of the holder of parental authority in order to keep his or her state of health secret. However, the doctor or the midwife first must try to obtain the minor's consent to this consultation. If the minor maintains his or her opposition, the doctor or the midwife may carry out the preventive action, screening, diagnosis, treatment or intervention. In this case, the minor shall be accompanied by an adult of his/her choice"¹⁰⁶.

There was no legislative amendment to grant Ukrainian children access to schools and other services, because French legislation already provides for several measures in this area, particularly under the transposition of Council Directive 2001/55/EC of 20 July 2001.¹⁰⁷

For example, with regard to housing, Ukrainian persons admitted under temporary protection may, under certain conditions, benefit from the asylum seeker's allowance and the APL (Aide personnalisée au logement).¹⁰⁸

With regard to health and access to care, beneficiaries of temporary protection have access to full medical cover provided by the public health system in the same way as French nationals.

With regard to education, Articles L. 111-1 and L. 114-1 of the Education Code guarantee access to

⁹⁴ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

⁹⁵ See [website of the Ministry of the Interior](#).

¹⁰⁵ France, [Article L. 1111-4 of the Social Action and Family Code](#)

¹⁰⁶ France, [Article L. 1111-4 of the Social Action and Family Code](#)

¹⁰⁷ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

¹⁰⁸ France, Social Security Code (*Code de la sécurité sociale*), [Article D 512-1](#).

education for all children aged between 3 and 16 years old, and provide for an obligation of training for children aged between 16 and 18 years old who are present in France.¹⁰⁹ Ukrainian children, whether they have been granted asylum protection or not, therefore have the same access to education as children who are French nationals. As of 24 May 2022, 17677 Ukrainian pupils were enrolled in French primary schools, middle schools (*colleges*) and high schools (*lycées*). They benefit from specific courses to learn French. The French Ministry of Education and Youth has published an online file on the admission and schooling of Ukrainian children.¹¹⁰ It has also published a note for teachers admitting pupils arriving from Ukraine to ensure that the specific nature of their situation is better taken into account.¹¹¹ With regard to higher education, a circular dated 22 March 2022 specifies the admission procedures for students displaced from Ukraine who benefit from temporary protection.¹¹² Concerning the care of very young children (0-3 years), a note from the General Directorate for Social Cohesion (DGCS) lists the measures in place¹¹³: for example, on 5 April 2022, the National Family Allowances Fund (CNAF) decided to set up free care in nurseries and other early childhood facilities for children displaced from Ukraine¹¹⁴. A platform allows these institutions to inform the prefecture of their department of the number of places available¹¹⁵.

1.4.4. Children in alternative care

Specific thematic areas: residential – institutional care; foster care; adoption (including international adoption)

Policy developments	Legislative developments
<ul style="list-style-type: none"> • Children in care 	<ul style="list-style-type: none"> • Children in care

¹⁰⁹ France, [Education Code \(Code de l'éducation\)](#), [Article L 111-1](#) and [Article 114-1](#).

¹¹⁰ see the Ministry of National Education and Youth's [website](#).

¹¹¹ see the Ministry of National Education and Youth's [website](#).

¹¹² France, Circular on reception of students displaced from Ukraine benefiting from temporary protection ([Circulaire relative à l'accueil des étudiants déplacés d'Ukraine bénéficiaires de la protection temporaire](#)), 22 March 2022.

¹¹³ France, DGCS, Childcare facilities for young children (0-3 years) and support for parenthood. Recommendations for the reception of displaced children from Ukraine in childcare facilities for young children (0-3 years) and parenting support activities ([Modes d'accueil de jeunes enfants \(0-3 ans\) et soutien à la parentalité. Recommandations pour l'accueil des enfants déplacés d'Ukraine dans les modes d'accueil de jeunes enfants \(0-3 ans\) et les activités de soutien à la parentalité](#)), 31 March 2022.

¹¹⁴ See the National Family Allowances Fund's [website](#).

¹¹⁵ See the platform's [website](#).

Between 2019 and 2022, an experimental scheme on the coordinated care path for protected children and adolescents was set up.¹¹⁶ Each child has an educational adviser and a designated structure for the coordination of their care.¹¹⁷

An experimental programme known as "PEGASE," set up at the end of 2019, provides young protected children with standardised monitoring and early psychic care, to "prevent the long-term sequelae of child abuse".¹¹⁸

- **Adoption**

On November 8, 2022, France initiated an inter-ministerial inspection mission to investigate illegal practices in the adoption of foreign children.

A study published at the start of February 2023 and funded by the Ministry of Europe and Foreign Affairs (in the form of a post-doctoral mission) conducted a historical analysis of illicit practices in intercountry child adoption. In particular, it noted the recurrence of serious acts committed in the context of adoption processes since the 1960s.¹¹⁹

Many of the provisions of the February 7, 2022 Law relate to children in care. Among other things, the law provides for:

- The preference for the child to be placed with a close relative in cases of educational assistance (with the obligation for the juvenile court judge to assess the possibility of placing the child with a member of the family or the child's entourage before any institutional placement),¹²⁰ the reassertion of the principle of non-separation of siblings¹²¹ and the maintaining of the back-to-school allowance in cases of placement at home.¹²²
- The reinforcement of the control of the conditions of foster care through the obligation of approval prior to the exercising of the foster care profession (with the creation of a national file of approvals).¹²³
- The strengthening of the prerogatives of the juvenile court judge acting in educational assistance, for example the possibility of designating a mediation service¹²⁴ and the extension of the possibility of authorising parental authority actions to cases where the holders of parental authority are prosecuted or convicted for felonies or misdemeanours committed against the child (if proof of the necessity of the action is provided by the applicant and if justified by the interests of the child) - it will then no longer be necessary to ask for their agreement.¹²⁵
- The possibility of collegial judgment in educational assistance for complex cases.¹²⁶
- The obligation of the juvenile court judge to conduct an individual interview with the child capable of discernment:¹²⁷ the principle of hearing the child before any decision of educational assistance exists from the beginning of the setting up of the procedure, in accordance with Article 12 of the International Convention on children's rights.
- Systematic notification of the juvenile court judge by the president of the departmental council in the event of a change in the placement setting.

¹¹⁶ France, [Order amending the order of November 28, 2019, on the experimentation for a coordinated care path for protected children and adolescents](#) (Arrêté du 22 décembre 2021 modifiant l'arrêté du 28 novembre 2019 relatif à l'expérimentation pour un parcours de soins coordonné des enfants et adolescents protégés), 22 December 2021.

¹¹⁷ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 140.

¹¹⁸ France, [Order](#), 19 July 2019. See the "Pegasus" programme [website](#).

¹¹⁹ France, F. Macedo and Y. Denéchère, [Historical study on illicit practices in intercountry adoption in France](#) (*Étude historique sur les pratiques illicites dans l'adoption internationale en France*), January 2023.

¹²⁰ France, Civil Code (*Code civil*), [Article 375-3](#).

¹²¹ France, Civil Code (*Code civil*), [Article 375-7](#).

¹²² France, Social Security Code (*Code de la sécurité sociale*), [Article L. 543-3](#).

¹²³ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 118 ([link](#)).

¹²⁴ France, Civil Code (*Code civil*), [Article 375-4-1](#).

¹²⁵ France, Civil Code (*Code civil*), [Article 375-7](#).

¹²⁶ France, Code of the judicial organisation (*Code de l'organisation judiciaire*), [Article L. 252-6](#).

¹²⁷ France, Civil Code (*Code civil*), [Article 375-1](#).

	<p>- The guarantee of a minimum remuneration for the foster families for taking care of a child.</p> <p>- The possibility for the juvenile court judge, if so required by the interests of the child, to ask the President of the Bar to appoint a lawyer for a child capable of discernment or an <i>ad hoc</i> administrator for a child not capable of discernment.¹²⁸ It should be noted that this is a middle ground, as the issue of information and the value of having a lawyer for a child divides child protection professionals. The Defender of Rights considered that the question should have been the subject of a more in-depth reflection involving lawyers and magistrates.¹²⁹ This issue is currently under consideration by the national authorities.</p> <p style="text-align: center;">• Adoption and filiation</p> <p>Law No. 2021-1017 of August 2, 2021 <i>on bioethics</i>¹³⁰ includes a number of provisions on filiation in cases of medically assisted procreation (MAP) and surrogate motherhood (<i>gestation pour autrui</i> - GPA). In particular, it provides that the recognition of filiation abroad be assessed "with regard to French law" and that the transcription of a foreign civil status record for a child born of surrogate motherhood (GPA) should be limited to the biological parent. With regard to MAP, the law secures the establishing of filiation for children conceived with a third-party donor and provides for the child's access to data on the third-party donor at their age of majority and without condition.¹³¹ The law of February 21, 2022 to reform adoption completes the system on MAP by providing the possibility for the judge to establish parentage in the case of a couple of women for the second woman (the one who has not given birth) and despite the disagreement of the woman who has given birth.¹³²</p>
1.4.5. Children affected by custody disputes, including parental abduction	
Policy developments	Legislative developments

¹²⁸ France, Civil Code (*Code civil*), [Article 375-1](#).

¹²⁹ France, Defender of Rights (*Défenseur des droits*), [Advisory report on the bill on child protection No. 21-15](#), 15 October 2021.

¹³⁰ France, [Law No. 2021-1017 on bioethics \(Loi n°2021-1017 relative à la bioéthique\)](#), 2 August 2021.

¹³¹ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 78-79.

¹³² France, [Law No. 2022-219 to reform adoption \(Loi n°2022-219 du 21 février 2022 visant à réformer l'adoption\)](#), 21 February 2022.

No significant development in this area during the reporting period.	No significant development in this area during the reporting period.
1.4.6. Missing children	
Policy developments	Legislative developments
No significant development in this area during the reporting period.	No significant development in this area during the reporting period.
1.4.7. Children at risk of poverty or social exclusion, or severely materially and socially deprived or living in a household with a very low work intensity (ARPE)	
Policy developments	Legislative developments
Defined in 2018, the national strategy to prevent and combat poverty includes a number of guidelines related to early childhood and the alleviation of poverty among juveniles. In terms of early childhood, the strategy provides for an increase in the number of disadvantaged children in day care centers, access to individual care through the development of childcare centers (<i>maisons d'assistants maternels</i> - MAM), the deployment of a training plan for early childhood professionals, and the distribution of breakfasts in priority education areas. Measures to combat poverty include the implementation of several measures (youth commitment contract, youth care and listening points (<i>Points accueil et écoute jeunes</i> - PAEJ), the prevention of young people leaving the child welfare system (<i>Aide sociale à l'Enfance</i> - ASE) and support for specialised prevention activities. ¹³³ The strategy also contains several measures to reduce the financial burden of feeding and caring for children, and provides for simplifying access to rights by deploying measures to combat non-use and setting up local social services, increasing the value of	A decree of October 23, 2017 provides for the creation of an interdepartmental delegation for the prevention and alleviation of child and youth poverty. ¹³⁹

¹³³ France, [National poverty alleviation and prevention strategy](#) (*Stratégie nationale de prévention et de lutte contre la pauvreté*), 2018-2022.

¹³⁹ France, [Decree No. 2017-1488 establishing an interdepartmental delegate for the prevention and alleviation of child and youth poverty](#) (*Décret n° 2017-1488 instituant un délégué interministériel à la prévention et à la lutte contre la pauvreté des enfants et des jeunes*), 23 October 2017.

<p>social assistance and preventing over-indebtedness.¹³⁴</p> <p>This strategy has been assessed and serious difficulties have been identified, including uneven progress and difficulties related to the lack of monitoring tools and the absence of quantified targets.¹³⁵</p> <p>A "social mix" bonus was created in 2019 for childcare facilities, in order to "encourage compliance with the regulation that provides for a rate of 10% of children from precarious backgrounds in collective childcare facilities".¹³⁶</p> <p>The 2018-2022 national strategy to support parenthood includes a focus on the theme of "parenthood and precariousness," which includes the development of a "parenthood support solution in areas where the presence of families in poverty is the greatest" and the strengthening of partnerships and solutions in places that are already known and frequented by families (maternal and child protection, day care centers, social centers, residents' centers, etc.).¹³⁷</p> <p>Since 2020, family allowance funds have been responsible for the direct payment of maintenance allowances to families.¹³⁸</p>	
1.4.8. Children belonging to minority ethnic groups, e.g. Roma, Sami, etc.	
Policy developments	Legislative developments
No significant development in this area during the reporting period.	No significant development in this area during the reporting period.
1.4.9. Children involved in judicial proceedings as victims or witnesses or parties	
Policy developments	Legislative developments

¹³⁴ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 153-154 ([link](#)).

¹³⁵ France, National committee to assess the poverty alleviation and prevention strategy (*Comité d'évaluation de la stratégie nationale de prévention et de lutte contre la pauvreté*)(2022), [3rd Yearly report](#).

¹³⁶ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 161 ([link](#)).

¹³⁷ France, [National parenting support strategy](#) (*Stratégie nationale de soutien à la parentalité*) 2018-2022, pp. 31-32.

¹³⁸ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 155 ([link](#)).

<p>The circular of April 19, 2017 <i>on judicial child protection</i>¹⁴⁰ provides the rules to be followed in hearings of juveniles. Juveniles may be heard alone, with a lawyer or a person of their choice who is involved in the proceedings. In particular, the judge must ensure that juveniles have been informed of their right to be heard and to be assisted by a lawyer. It must also take into account "the feelings expressed by the juvenile child under the conditions provided for in Article 388-1 of the Civil Code".¹⁴¹</p>	<p>The new paragraph 3 of Article 7 of the Criminal Procedure Code (<i>code de procédure pénale</i>), introduced by the law of August 3, 2018 <i>strengthening the fight against sexual and gender-based violence</i>,¹⁴² provides, with regard to the crimes referred to in Article 706-47 committed on juveniles, a limitation period for public action "of thirty completed years from the latter's age of majority".¹⁴³</p>
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1.4.10. Children involved in judicial proceedings as suspects or accused persons

Policy developments	Legislative developments
<p>In its 2021 report on juveniles in detention, the Controller General of places of deprivation of liberty (<i>Contrôleur général des lieux de privation de liberté</i>) highlighted several systemic difficulties in the area of juvenile detention. Noting that this problem was developing in all its forms in France, they denounced the unpreparedness of accommodation facilities, the inequalities in child protection, the neglect of the right to education and problems associated with care and maintaining connections with families.¹⁴⁴</p>	<p>The new juvenile criminal justice code (CJPM) introduced by the law of February 26, 2021 reinforces the three principles established since the Order of 1945:</p> <ul style="list-style-type: none"> - The mitigation of the criminal responsibility of juveniles depending on their age: the law establishes a presumption of non-discernment for juveniles under the age of 13. This presumption could be rebutted if it is established that the minor "<i>understood and intended their act</i>" and that they were "<i>capable of understanding the meaning of the criminal proceedings to which they were subject</i>".¹⁴⁵ - The primacy of educational support over repression: the law simplifies the existing system and provides for two educational measures: the "judicial educational measure", which aims to take better account of the personality and development of the juvenile and may contain various modules (inclusion, health, placement, reparation, prohibition to go and come, etc.),¹⁴⁶ and the judicial warning. The text also strengthens investigative measures, tightens the conditions for the use of security measures (such as pre-trial detention, which can only be ordered in cases of repeated or particularly serious violations of judicial supervision or house arrest with electronic surveillance), and provides that the prison

¹⁴⁰ France, Ministry of Justice (*Ministère de la justice*), [Circular on the judicial protection of children](#) (*Circulaire relative à la protection judiciaire de l'enfant*), 19 April 2017.

¹⁴¹ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 165.

¹⁴² France, [Law No. 2018-703 reinforcing the fight against sexual and gender-based violence](#) (*Loi No. 2018-703 renforçant la lutte contre les violences sexuelles et sexistes*), 3 August 2018.

¹⁴³ France, Criminal Procedure Code (*Code de procédure pénale*), [Article 7 para 3](#).

¹⁴⁴ France, CGLPL, [The fundamental rights of minors in detention](#) (*Les droits fondamentaux des mineurs enfermés*)(2021).

¹⁴⁵ France, Juvenile criminal justice code (*Code de la justice pénale des mineurs*), [Article L. 11-1](#).

¹⁴⁶ France, Juvenile criminal justice code (*Code de la justice pénale des mineurs*), [Article L. 112-2](#).

	<p>sentence handed down by the juvenile court or the juvenile assize court must be specially motivated.¹⁴⁷</p> <p>- The specialisation of jurisdictions and procedures: the principle is extended. In addition to the existing specialised courts and chambers (juvenile court judge, juvenile court, juvenile assize court), each judicial court in whose jurisdiction a juvenile court sits includes one or more liberty and detention judges specially responsible for cases involving juveniles.¹⁴⁸</p> <p>The code also ratifies the abolition of the procedure of investigation before the juvenile court judge (consecrated by a law of 2011 after a decision of the Constitutional Council, which requires the instruction to be conducted by another judge),¹⁴⁹ and contains several provisions on the custody of juveniles (systematic medical examination for juveniles under the age of 16¹⁵⁰ and systematic presence of a lawyer for juveniles).¹⁵¹</p> <p>Article L. 413-9¹⁵² of the CJPM states that the assistance of a lawyer is mandatory for minors. There is no distinction based on age.</p> <p>In addition, Article L. 413-6¹⁵³ of the CJPM states that a minor may be placed in police custody if he or she is at least thirteen years old. For minors aged between ten and thirteen, this is a detention measure that meets the requirements of articles L. 413-1 et seq. of the CJPM¹⁵⁴.</p>
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1.4.11. Children at risk of harmful practices, including female genital mutilation; child /forced marriages, honour-related violence

Policy developments	Legislative developments
<p>The government initiated a national action plan in 2019 to eradicate female genital mutilation¹⁵⁵. It aims to "<i>improve the health of women victims of sexual mutilation</i>", "<i>better raise awareness and to better train professionals to better prevent this</i>", "<i>eradicate female genital mutilation as close as possible to the areas involved</i>", "<i>develop</i></p>	<p>No significant development in this area during the reporting period.</p> <p>However, two bills introduced in the National Assembly are worth mentioning, one aiming to prevent the risks of female genital mutilation and to make parents more</p>

¹⁴⁷ France, Juvenile criminal justice code (*Code de la justice penale des mineurs*), [Article L. 123-1](#).

¹⁴⁸ France, Juvenile criminal justice code (*Code de la justice penale des mineurs*), [Article D. 231-1](#).

¹⁴⁹ France, [Law No. 2011-1940 to establish a citizen service for juvenile offenders](#) (*Loi n° 2011-1940 visant à instaurer un service citoyen pour les mineurs délinquants*), 26 December 2011 ; France, Constitutional Council (Conseil constitutionnel), [Decision No. 2011-147 QPC](#), 8 July 2011.

¹⁵⁰ France, Juvenile criminal justice code (*Code de la justice penale des mineurs*), [Article L. 413-8](#).

¹⁵¹ France, Juvenile criminal justice code (*Code de la justice penale des mineurs*), [Article L. 413-5](#).

¹⁵² France, Juvenile criminal justice code (*Code de la justice penale des mineurs*), [Article L. 413-9](#).

¹⁵³ France, Juvenile criminal justice code (*Code de la justice penale des mineurs*), [Article L. 413-6](#).

¹⁵⁴ France, Juvenile criminal justice code (*Code de la justice penale des mineurs*), [Articles L. 413-1 to L. 413-5](#).

¹⁵⁵ France, Secretariat of State for Equality between women and men and combating discrimination (2019), [National action plan to eradicate female genital mutilation](#) (*Plan national d'action visant à éradiquer les mutilations sexuelles féminines*). Also see France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 107 and para. 112.

<p><i>adequate prevention tools</i>", "enhance the state of knowledge and establish an inventory of female genital mutilation".</p> <p>An online platform for reporting gender-based and sexual violence was set up in 2018.¹⁵⁶</p>	<p>responsible,¹⁵⁷ and the other to reinforce the fight against female genital mutilation.¹⁵⁸</p>
<p>1.4.12. Children whose parents are in prison/custody</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>The national strategy for supporting parenthood, 2018-2022, contains recommendations for supporting contact and maintaining connections between children and their detained parents, including awareness-raising actions, as well as the development of spaces suitable for children (with games), activities and discussion groups, childcare services in family care settings, and support actions for the families involved in conjunction with the voluntary sector.¹⁵⁹</p> <p>In a report published in 2021, the Controllor General of places of deprivation of liberty (<i>Contrôleur général des lieux de privation de liberté</i> - CGLPL) noted that the legislator did not consider granting a special legal status to very young children of detained mothers who are locked up with them, regretting that no change had been made to take into account "the particular vulnerability" of these children and the risk that their confinement poses to their development. They recalled that "when the confinement of a parent is likely to lead to the confinement of their child, all measures should be taken to avoid it". They also made several recommendations regarding searches of such children.¹⁶⁰</p> <p>In February 2023, the National Union of National Federations of Associations of Homes for Families and Relatives of Imprisoned Persons (<i>Union nationale des fédérations nationales des associations d'accueil de</i></p>	<p>No significant development in this area during the reporting period.</p>

¹⁵⁶ France, [Online platform for reporting gender-based and sexual violence](#).

¹⁵⁷ France, [Bill No. 1334 to prevent the risks of female genital mutilation and make parents responsible](#) (*Proposition de loi visant à prévenir les risques de mutilations sexuelles féminines et à responsabiliser les parents*).

¹⁵⁸ France, [Bill No. 4454 to strengthen the fight against female genital mutilation](#) (*Proposition de loi visant à renforcer la lutte contre les mutilations sexuelles féminines*).

¹⁵⁹ France, [National parenting support strategy](#) (*Stratégie nationale de soutien à la parentalité*) 2018-2022 pp. 31-32, p. 43.

¹⁶⁰ France, CGLPL, [The fundamental rights of minors in detention](#) (*Les droits fondamentaux des mineurs enfermés*)(2021), p. 11-12.

<p><i>familles et proches de personnes incarcérées</i>, UFRAMA), a partner of the prison administration, launched an information campaign for them.</p> <p>A website http://gardercontact.fr/ has been created specifically for teenagers, in partnership with the Ministry of Justice and the Human Rights Ombudsman.</p> <p>The site has a twofold objective:</p> <ul style="list-style-type: none"> • To provide general information on how to maintain or re-establish contact (e.g. information on the procedure for obtaining access to visiting rooms); • To enable teenagers to use a form available on the site to talk anonymously to professionals and ask them questions. 	
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1.4.13. Children who drop out of compulsory education and working children under the legal age for work

Policy developments	Legislative developments
<p>No significant development in this area during the reporting period.</p> <p>According to the government, more than 251,000 children ages 16 to 18 were out of school in 2018-2019, including 174,000 18-year-olds.¹⁶¹</p>	<p>The law of July 26, 2019 <i>for a trusted school</i>¹⁶² established a training obligation and an educational and pedagogical continuity from the age of three to the age of eighteen, which "concerns young people aged 16 to 18 who are neither in training, education nor employment, whether they have a diploma or not".¹⁶³</p>

1.4.14. Intersex children

Policy developments	Legislative developments
<p>No significant development in this area during the reporting period.</p>	<p>Law No. 2021-1017 of August 2, 2021 <i>on bioethics</i>¹⁶⁴, provides a framework for the medical care of children with variations in genital development. Children with variations in genital development are systematically cared for by specialised teams of reference centers for rare diseases of genital development (in order to</p>

¹⁶¹ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 221.

¹⁶² France, [Law No. 2019-791 for a school of trust \(Loi n° 2019-791 pour une école de la confiance\)](#), 26 July 2019.

¹⁶³ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 160.

¹⁶⁴ France, [Law No. 2021-1017 on bioethics \(Loi n°2021-1017 relative à la bioéthique\)](#), 2 August 2021.

establish the diagnosis and possible therapeutic proposals), which provide complete information and appropriate psycho-social support for the child and their family. The consent of the child must be systematically sought if they are capable of expressing their wishes and participating in the decision.¹⁶⁵

1.5. Contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards

Are there any contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards that have been pointed out by international bodies, national human rights institutions, ombudspersons, or civil society organisations? Please also refer to any contradictions within national and sub-national legislation.

A number of violations of France's international commitments regarding children's rights have been identified by relevant international bodies and courts and have not been adequately addressed.

In a judgment of June 4, 2020, the European Court found against France for the failure of the authorities to take appropriate measures to protect a child against abuse or neglect by their parents, noting in the process numerous shortcomings in the system for reporting and protecting children.¹⁶⁶

Despite the provisions on unaccompanied minors, the law of February 7, 2022 did not take note of the condemnation of France by the European Court with regard to the conditions of placement of foreign minors in waiting zones or in administrative detention.¹⁶⁷ In addition, despite the establishing of specific emergency temporary shelter by the departmental councils for persons claiming to be minors and deprived of the protection of their families, there is still some vagueness as to the reality of such shelter, which risks contravening the ruling in *Khan v. France* according to which the vulnerable situation of unaccompanied minors is decisive and must prevail over the illegal immigrant status.¹⁶⁸

In a decision of January 25, 2023, the Committee on children's rights further found violations of several articles of the International Convention on children's rights - including Articles 3 (best interests of the child), 12 (participation), 20§1, and 37(a) (abuse) - due to multiple failures in childcare and unaccompanied minor age assessment procedures.¹⁶⁹ The situation of children's rights in France was reviewed by the Committee on children's rights at the start of February 2023.

Council of Europe bodies have also noted shortcomings in child protection, such as the Group of Experts on Action against Trafficking in Human Beings (GRETA), which has criticised the saturation and inadequacy of the child welfare system.¹⁷⁰ Similarly, the Commissioner for Human Rights,¹⁷¹ the European Committee of Social Rights¹⁷² and the CNCDH¹⁷³ have strongly criticised the very principle of detention of foreign juveniles.

¹⁶⁵ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 115.

¹⁶⁶ CEDH, *Association innocence en danger and association enfance et partage v. France*, 4 June 2020, No. 15343/15.

¹⁶⁷ CEDH, *Moustahi v. France*, 25 June 2020, No. 9347/14.

¹⁶⁸ CEDH, *Khan v. France*, 28 February 2019, No. 12267/16.

¹⁶⁹ CRC, *S.E.M.A.*, 25 January 2023, [CRC/C/92/D/130/2020](#).

¹⁷⁰ GRETA, [Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by France, 2nd evaluation round](#), 6 July 2017, GRETA(2017)17, §167.

¹⁷¹ Council of Europe Commissioner for Human Rights, [Letter to the President of the French National Assembly and the President of the Law Commission of the French National Assembly on the bill for controlled immigration and an effective right to asylum](#), 8 March 2018.

¹⁷² CEDS (2020), [2019 conclusions on the implementing of the revised European Social Charter by France](#), Article 17-1.

¹⁷³ France, CNCDH, [Advisory report on the bill to strictly regulate the retention of families with juveniles: a missed opportunity](#) (*Avis sur la proposition de loi visant à encadrer strictement la rétention administrative des familles avec mineurs : une occasion manquée*), 24 September 2020, JORF No. 0242 of October 4, 2020, text No. 76.

1.6. Orientation/fragmentation of national child protection policy and legislation

Based on the above information please assess and explain if the national child protection policy and legislation is fragmented and if the child protection system is oriented towards prevention and/or intervention.

The Ministry of Justice is not only responsible for criminal matters. In addition to its remit to educate, protect and integrate minors in conflict with the law, the DPJJ plays a key role in implementing child protection policy, which is an integral part of its remit. It is responsible for "all matters relating to juvenile justice and consultation between the institutions involved in this area" (decree of 9 July 2008 on the organisation of the Ministry of Justice). This role was reaffirmed in 2017, with the DPJJ now also responsible for "leading and monitoring the work of the public prosecutor's office in the area of child protection" (decree of 25 April 2017 amending the decree of 9 July 2008). Despite the effort to concentrate the authority for defining national child protection policy in the Secretariat of State for Children, the latter remains fragmented. It can be explained by the transfer of many prerogatives on social action to departmental councils (the result of a radical understanding of decentralisation by the State, which had long been disengaged from the subject), in particular the funding and control of child protection measures, which are implemented in practice by authorised associations. From one department to another, there are many disparities, both in the budgets allocated and in the effectiveness of the measures, due in particular to the inadequacy of monitoring by departmental services¹⁷⁴ and their reluctance to fully apply the legal framework for child protection (for example, as regards the requirements surrounding the assessment procedures and the prohibition on separating siblings).

In addition, while legislation passed since 2016 is prevention-oriented, less than 20% of the child welfare system funding is devoted to prevention programmes.¹⁷⁵ In general, the Court of Auditors (*Cour des comptes*) noted in 2020 that the preventive dimension of child protection remained marginal in France: the prevention protocol created in 2016¹⁷⁶ is only effective in a few departments, maternal and child protection is concentrated on early childhood only and specialised prevention mainly involves the priority neighbourhoods of city policies.¹⁷⁷

1.7. Development in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection legislation and policies in the past 8 years, incl. achievements and (persisting) gaps and challenges.

From a legislative standpoint, the main developments in recent years have been the strengthening of the child protection arsenal and the repeal of the Order of 1945,¹⁷⁸ which has been replaced by the juvenile criminal justice code that came into force in 2021.¹⁷⁹ The introduction of the presumption of non-discernment, in particular, allows France to comply with its commitments under the International Convention on children's rights.¹⁸⁰

The Act of 7 February 2022 helps to improve the situation of minors who are placed in care: priority is given to finding a placement solution within the minor's family, provisions are introduced to prevent siblings from being separated, minors are systematically interviewed individually by the juvenile court judge at their

¹⁷⁴ France, Court of Auditors (*Cour des comptes*), [Child protection. A time-inappropriate policy for children](#), November 2020, p. 78.

¹⁷⁵ France, DRESS, [Departmental welfare spending. Long series \(1999-2021\)](#).

¹⁷⁶ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article 112-5](#).

¹⁷⁷ France, Court of Auditors (*Cour des comptes*), [Child protection. A time-inappropriate policy for children](#), November 2020, p. 78.

¹⁷⁸ France, [Order No. 45-174 on delinquent children](#) (*Ordonnance n° 45-174 relative à l'enfance délinquante*), 2 February 1945.

¹⁷⁹ France, [Juvenile criminal justice code](#) (*Code de la justice pénale des mineurs*)

¹⁸⁰ [International Convention on children's rights](#), Article 40§3, calls for the "establishing of a minimum age below which children shall be presumed not to have the capacity to break criminal law".

hearing, hotel placement is prohibited for minors and young adults in the care of the child welfare service and is limited to two months in exceptional emergency situations.¹⁸¹

It also reflects the desire to better protect children against violence by extending criminal record checks to all professionals and volunteers working with children.

It also aims to improve the management of child protection policy, in particular by creating a public interest grouping (GIP) for child protection, adoption and access to personal origins.

Lastly, it introduces changes concerning the care of unaccompanied minors (introduction of new distribution criteria, prohibition of a reassessment of minority and isolation by departmental councils, systematic use of the file to help assess minority).

There are still shortcomings, such as in the area of poverty prevention and alleviation. The national strategy assessment report identified uneven progress and difficulties related to the lack of monitoring tools and the absence of quantified figures.¹⁸² The Charter of rights for protected children (*Charte des droits des enfants protégés*), which was initiated in 2020 as part of the National child protection strategy (*stratégie nationale de protection de l'enfance*), has not been published. In addition, and more generally, the reforms have not addressed the main challenge facing the national child protection system: the lack of effectiveness of the legislative framework, which remains largely unimplemented due to the difficulties of departments and the lack of training of child protection professionals, in particular with regard to the requirements surrounding the assessment procedures and the prohibition on separating siblings and interrupting care pathways. The same problem surrounds judges' decisions, as evidenced by the large number of judicial measures awaiting execution.¹⁸³

1.8. Promising practices

Please list and briefly describe any promising practice in child protection legislation and policies that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

The inter-ministerial organisation of the development of laws and regulations and the national child protection policy around the Secretariat of State for Children contributes to the coherence of the legal framework and policy action in this area. It can be analysed as "good practice".

In substance, the laws passed since 2016 provide many promising aspects:

- Legal definition of incest, obligation for the juvenile court judge to appoint an *ad hoc* administrator in cases of conflict between the child and the holders of parental authority;¹⁸⁴
- The Juvenile Court judge may also appoint, ex officio or at the request of the president of the departmental council, an ad hoc administrator for a minor who is not capable of discernment, or a lawyer for a minor who is capable of discernment, where his or her interests so require ;¹⁸⁵
- Total ban on corporal punishment;¹⁸⁶

¹⁸¹ France, ONPE, [Law of February 7, 2022 on child protection: context, issues and perspectives](#), May 2022.

¹⁸² France, National committee to assess the poverty alleviation and prevention strategy (*Comité d'évaluation de la stratégie nationale de prévention et de lutte contre la pauvreté*)(2022), [3rd Yearly report](#).

¹⁸³ For the purposes of this research, the authors went beyond primary and secondary sources to interview directly, wherever necessary, public authorities (contacts and discussions with the deputy director of the cabinet of the Secretary of State responsible for children, the deputy director of the General Directorate for Social Cohesion), institutions responsible for children (the former vice-president of the National Council for Child Protection (*Conseil national de la protection de l'enfance*) in particular), and representatives of associations specialising in children's rights and child protection. Contacts were also made with the General Directorate of School Education (*Direction générale de l'enseignement scolaire* - DGESCO) of the Ministry of Education, with staff of departmental child protection services, and with academics working on these issues. Despite reminders, the writers did not receive all the answers to their requests for information, particularly from the DGESCO.

¹⁸⁴ France, [Law No. 2016-297 on child protection](#) (*Loi No. 2016-297 relative à la protection de l'enfant*), 14 March 2016.

¹⁸⁵ France, Civil Code (*Code civil*), [Article 371-1](#).

¹⁸⁶ France, Civil Code (*Code civil*), [Article 371-1](#).

- Abolition of the procedure of instruction before the juvenile court judge;¹⁸⁷
- Abolition of the requirement of the child's consent to consider any sexual relations between an adult and a juvenile under the age of 15 as criminal;¹⁸⁸
- Prohibition in principle of hotel accommodation for children under the age of 21 in child protection care,¹⁸⁹ prohibition of reassessment of minority and isolation by departmental councils,¹⁹⁰ obligation for the juvenile court judge to assess the possibility of fostering the child with a relative before any institutional placement¹⁹¹ and to conduct an individual interview with the child.¹⁹²

¹⁸⁷ France, [Law No. 2021-218 ratifying Order No. 2019-950 of September 11, 2019 on the legislative part of the juvenile criminal justice code \(Loi n° 2021-218 ratifiant l'ordonnance n° 2019-950 du 11 septembre 2019 portant partie législative du code de la justice pénale des mineurs\)](#), 26 February 2021.

¹⁸⁸ France, [Law No. 2021-478 to protect juveniles from sexual crimes and incest \(Loi n° 2021-478 visant à protéger les mineurs des crimes et délits sexuels et de l'inceste\)](#), 21 April 2021.

¹⁸⁹ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 221-2-3](#).

¹⁹⁰ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 221-2-5](#).

¹⁹¹ France, Civil Code (*Code civil*), [Article 375-3](#).

¹⁹² France, Civil Code (*Code civil*), [Article 375-1](#).

2. Governance, coordination structures, and services

2.1. Primary institutions and main service providers responsible for child protection

Question	Yes	No	Comments
<p>2.1.1. Is there any lead institution/body (e.g. child protection agency, ministry, etc.) primarily responsible for child protection at the national level?</p> <p><u>If yes</u>, please provide the name in the comments box.</p>		X	
<p>2.1.2. Are there different structures sharing the primary responsibility (e. g. departments in the same or different ministries, different agencies etc.)?</p> <p><u>If yes</u>, please provide the name under the comments box and please also mention which body has the lead in coordinating child protection policies and actions.</p>	X		<p>At the national level, primary responsibility for child protection now rests with the newly created Secretariat of State for Children, which reports to the Prime Minister. Supported by several consultative bodies - the National council for child protection (CNPE) and the France protected children public interest group (GIP) - which are themselves placed under the authority of the Prime Minister, the Secretariat of State defines and steers national child protection policy in France, as well as the civil aspects of policy on delinquent children. The criminal aspect of the policy on delinquent children is the exclusive responsibility of the Ministry of Justice.¹⁹³</p> <p>From a technical perspective, the development of the legislative and regulatory framework for child protection is the responsibility of two inter-ministerial directorates within the government: the General Directorate for Social Cohesion (<i>Direction générale</i></p>

¹⁹³ For the purposes of this research, the authors went beyond primary and secondary sources to interview directly, wherever necessary, public authorities (contacts and discussions with the deputy director of the cabinet of the Secretary of State responsible for children, the deputy director of the General Directorate for Social Cohesion), institutions responsible for children (the former vice-president of the National Council for Child Protection (Conseil national de la protection de l'enfance) in particular), and representatives of associations specializing in children's rights and child protection. Contacts were also made with the General Directorate of School Education (*Direction générale de l'enseignement scolaire* - DGESCO) of the Ministry of Education, with staff of departmental child protection services, and with academics working on these issues. Despite reminders, the writers did not receive all the answers to their requests for information, particularly from the DGESCO.

		<p><i>de la cohésion sociale</i> - DGCS) and the Directorate for the Judicial Youth Protection (<i>Direction de la protection judiciaire de la jeunesse</i> - DPJJ). These two directorates are under the supervision of several ministries but, for their activities related to child protection, they come under the authority of the Secretariat of State for Children, which benefits from their technical expertise and administrative resources.¹⁹⁴</p> <p>At the local level, the main responsibility for child protection lies with departmental councils and their dedicated services (Child welfare system (<i>Aide Sociale à l'Enfance</i> - ASE)).¹⁹⁵ They are the ones who largely define the framework of child protection in their area. They finance and monitor the implementing of the programme, which is carried out by associations and other authorised structures. Departmental councils are also responsible for policy on maternal and child protection (<i>protection maternelle et infantile</i> - PMI).</p> <p>The Defender of Rights (<i>Défenseur des droits</i>) is competent to hear individual complaints regarding children at the national level.¹⁹⁶</p>
<p>2.1.3. Are there child focal points or similar in different ministries or agencies?</p> <p><u>If yes</u>, in which ministry are they located, what are they called, and what role/functions do they have? How do they coordinate?</p>	X	<p>In addition to the Secretariat of State for Children reporting to the Prime Minister, two inter-ministerial directorates are particularly competent in child protection matters: the General Directorate for Social Cohesion (<i>Direction générale de la cohésion sociale</i> - DGCS) and the Directorate for the Judicial Youth Protection (<i>Direction de la Protection judiciaire de la jeunesse</i> - DPJJ). The DGCS is under the authority of five ministries and Secretaries of State: the State Secretariat for Children, the Ministry of Solidarity, Autonomy and the Disabled (<i>ministère des Solidarités, de l'Autonomie et des Personnes handicapées</i>), the Ministry of Labour, Full Employment and Integration (<i>ministère du Travail, du Plein emploi et de l'Insertion</i>), the Ministry responsible for Equality between Women and Men, Diversity and Equal Opportunities (<i>ministère délégué chargé de l'Égalité entre les femmes et les hommes, de la Diversité et de l'Égalité des chances</i>) and the Ministry for the Disabled (<i>ministère délégué aux Personnes handicapées</i>). The DPJJ</p>

¹⁹⁴ France, [Decree No. 2022-867 on the responsibilities of the Secretary of State to the Prime Minister, responsible for children](#) (*Décret n° 2022-867 relatif aux attributions de la secrétaire d'État auprès de la Première ministre, chargée de l'enfance*), 8 June 2022.

¹⁹⁵ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 221-1](#).

¹⁹⁶ France, [Organic Law No. 2011-333 regarding to the Defender of Rights](#) (*Loi organique n° 2011-333 relative au Défenseur des droits*), 29 March 2011.

is under the supervision of the Secretariat of State for Children and the Ministry of Justice.

Many other ministerial departments and inter-ministerial delegations are also involved in child protection (for the main ones, see the table below).

Please provide in the table below a list of the national/regional/local bodies or authorities having certain responsibilities related to child protection, e.g. child ombuds institution.

Please note: For the regional and the local levels please indicate only the type of body, do not list all different bodies at regional/local level in the country.

Name of the body	Level (national/regional/local).	Area of responsibility and roles in child protection <i>(for example coordination, legislation, policy making, training, monitoring, financing, implementing)</i>	Comments <i>(for example in case of ombuds institution, compliance with the Paris Principles)</i>
Departmental council	Departmental (between regional and local)	<p>Policy Making: devising and development of departmental child protection plans.</p> <p>Implementing of protective and supportive measures as well as judicial measures ordered by the juvenile court judge and coordination/monitoring of the institutions and services responsible for this implementation in practice.</p> <p>Monitoring/Prevention via the Departmental observatory for child protection (<i>Observatoire départemental de la protection de l'enfance - ODPE</i>) and the Unit for the collection, processing and assessment of information of</p>	

		<p>concern (<i>Cellule de recueil, de traitement et d'évaluation des informations préoccupantes - CRIP</i>), which carries out the initial analysis of information of concern received.</p> <p>Funding for local child protection policies.</p> <p>Participation in the France protected childhood public interest group (<i>Groupement d'intérêt public France enfance protégée</i>) and the National Council for Child Protection (<i>Conseil national de la protection de l'enfance</i>).</p>	
Secretariat of State for Children ¹⁹⁷	National	<p>Policy making in child protection at the national level, in conjunction with the relevant ministries.</p> <p>Coordination and supervision of the action of the inter-ministerial committee for children and the inter-ministerial departments involved in child protection, in particular the General Directorate for Social Cohesion (<i>Direction générale de la cohésion sociale - DGCS</i>) and the Department of Judicial Youth Protection (<i>Direction de la Protection judiciaire de la jeunesse - DPJJ</i>, for its civil aspect).</p>	
General Directorate for Social Cohesion (<i>Direction générale</i>	National	<p>Policy making: a key role in the drafting of legislation and regulations on child protection, under the authority of the ministries concerned (and in particular the Secretariat of State for Children).</p>	

¹⁹⁷ France, see the [website](#) of the Secretariat of State for Children.

<p><i>de la cohésion sociale</i> - DGCS)¹⁹⁸</p> <p>(Under the supervision of the State Secretariat for Children and the Ministry of Solidarity, Autonomy and the Disabled (ministère des Solidarités, de l'Autonomie et des Personnes handicapées), the Ministry of Labour, Full Employment and Integration (ministère du Travail, du Plein emploi et de l'Insertion), the Ministry responsible for Equality between Women and Men, Diversity and Equal Opportunities (ministère délégué chargé de l'Égalité entre les femmes et les hommes, de la Diversité et de l'Égalité des chances) and the Ministry for the Disabled (ministère délégué aux Personnes handicapées)</p>		<p>Coordination and inter-ministerial supervision of the child protection policies for which it is responsible, under the authority of the ministries concerned.</p> <p>Administrative and technical support to the Secretariat of State for Children.</p> <p>Monitoring/prevention (e.g. abuse and maltreatment in social and medico-social institutions, including institutions for children with disabilities).</p>	
<p>Directorate of Judicial Youth Protection (<i>Direction de la</i></p>	<p>National</p>	<p>Policy making: key role in the development of legislation, regulations and public policies</p>	

¹⁹⁸ France, [Decree No. 2010-95 on the central administration of the ministries responsible for social affairs and creating a general direction of social cohesion](#) (*Décret n° 2010-95 relatif à l'administration centrale des ministères chargés des affaires sociales et portant création d'une direction générale de la cohésion sociale*), 25 January 2010.

<p><i>Protection judiciaire de la jeunesse</i> - DPJJ)¹⁹⁹</p> <p>(Under the supervision of the Secretariat of State for Children (<i>secrétariat d'État chargé de l'Enfance</i>) and the Ministry of Justice)</p>	<p>Local (Judicial protection - PJJ) youth</p>	<p>regarding delinquent children and children in danger.</p> <p>Coordination of the national system for the care, assessment and referral of unaccompanied minors (mission for unaccompanied minors (<i>mission mineurs non accompagnés</i> - MMNA).</p> <p>Assessment (through investigative measures) of the personal, social, material and family situation of juvenile offenders and juveniles in danger, in support of magistrates.</p> <p>Implementing of the decisions of juvenile judges in the placement and open environment institutions and services of the public sector or the authorised voluntary sector (<i>secteur associatif habilité</i> - SAH).</p> <p>Educational follow-up of juveniles detained in juvenile wards or in juvenile prisons (<i>établissement pénitentiaire pour mineurs</i> - EPM) (and in this capacity, proposal of educational measures and implementation of reparation measures relating to detained juveniles).</p> <p>Monitoring of the action of the public prosecutor's office in matters of child protection and monitoring and assessment of the public and authorised structures which monitor juveniles under judicial mandate.</p>	
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¹⁹⁹ France, [Decree 2017-634](#), 25 April 2017.

<p>Inter-ministerial delegation for victim assistance²⁰⁰ (Ministry of justice)</p>	<p>National</p>	<p>Inter-ministerial coordination "in the area of follow-up and support for victims of acts of terrorism, mass accidents, natural disasters, serial disasters and other criminal offences",²⁰¹ as well as in the relationship between the ministries and victims' associations and victims' support organisations. Monitoring of victim support systems.²⁰² Supervision, monitoring, coordination and support of local victim assistance committees.²⁰³</p>	
<p>Interdepartmental delegation for the prevention and alleviation of child and youth poverty²⁰⁴ (Ministry of Solidarity, Autonomy and the Disabled (<i>Ministère des Solidarités, de l'Autonomie et des Personnes handicapées</i>))</p>	<p>National</p>	<p>Organisation of the consultation of the main players in the prevention and alleviation of child and youth poverty. Inter-ministerial coordination of the development of the prevention strategy. Monitoring of the prevention strategy.²⁰⁵</p>	

²⁰⁰ France, [Decree No. 2017-1240 on the inter-ministerial delegate for victim assistance](#) (*Décret n° 2017-1240 relatif au délégué interministériel à l'aide aux victimes*), 7 August 2017.

²⁰¹ France, [Decree No. 2017-1240 on the inter-ministerial delegate for victim assistance](#) (*Décret n° 2017-1240 relatif au délégué interministériel à l'aide aux victimes*), 7 August 2017.

²⁰² France, [Decree No. 2017-1240 on the inter-ministerial delegate for victim assistance](#) (*Décret n° 2017-1240 relatif au délégué interministériel à l'aide aux victimes*), 7 August 2017.

²⁰³ France, [Decree No. 2017-1240 on the inter-ministerial delegate for victim assistance](#) (*Décret n° 2017-1240 relatif au délégué interministériel à l'aide aux victimes*), 7 August 2017.

²⁰⁴ France, [Decree No. 2017-1488 establishing an interdepartmental delegate for the prevention and alleviation of child and youth poverty](#) (*Décret n° 2017-1488 instituant un délégué interministériel à la prévention et à la lutte contre la pauvreté des enfants et des jeunes*), 23 October 2017.

²⁰⁵ France, [Decree No. 2017-1488 establishing an interdepartmental delegate for the prevention and alleviation of child and youth poverty](#) (*Décret n° 2017-1488 instituant un délégué interministériel à la prévention et à la lutte contre la pauvreté des enfants et des jeunes*), 23 October 2017.

<p>Mission for the prevention of violence in schools</p> <p>Ministry of National Education and Youth</p>	<p>National</p>	<p>Policy making.</p> <p>Monitoring: monitoring of cases of violence and harassment reported to academic and departmental advisers in conjunction with the latter, the competent authorities and other departments.</p> <p>Training in support of teacher training colleges.</p>	
<p>Delegation for victims (<i>Délégation aux victimes - DAV</i>)²⁰⁶</p> <p>(French Ministry of the Interior)</p>	<p>National</p> <p>With local focal points (victim assistance addressees)</p>	<p>Policy making in the field of victim assistance within the Ministry of the Interior and <i>participation</i> in ministerial work on topics related to domestic violence, human trafficking, protection of juvenile victims, etc.</p> <p>Training of departments under Ministerial authority to improve the care and consideration of victims.</p> <p>Analysis and relaying of the expectations of victims' associations.</p>	
<p>Inter-ministerial mission for protecting women against violence and combating human trafficking (MIPROF)²⁰⁷</p> <p>(Minister responsible for equality between women and</p>	<p>National</p>	<p>National coordination of the fight against human trafficking.</p> <p>Policy making and supervision of the national plan to combat human trafficking, which contains measures regarding juveniles.²⁰⁸</p>	

²⁰⁶ France, the Ministry of Interior's [website](#).

²⁰⁷ France, [Decree No. 2013-7 creating an inter-ministerial mission for protecting women against violence and combating human trafficking](#) (*Décret n° 2013-7 portant création d'une mission interministérielle pour la protection des femmes contre les violences et la lutte contre la traite des êtres humains*), 3 January 2013.

²⁰⁸ France, [2nd national action plan against human trafficking 2019-2021](#).

men, diversity and equal opportunities)			
Office of Union Law, Private International Law and Mutual Assistance in Civil Matters ²⁰⁹ (Ministry of justice)	International	Implementation of international conventions on family cooperation, with interventions aimed at facilitating cross-border cooperation and setting up family mediation for parents wanting to find a negotiated solution to their conflict (with a dedicated service of international mediation assistance, involving international mediators). ²¹⁰	
French Intercountry Adoption Mission (<i>Mission de l'adoption internationale</i> - MAI) ²¹¹ (French Ministry of Europe and Foreign Affairs)	National/International	Implementation: The MAI is the central authority responsible for ensuring that France's commitments contained in the 1989 International Convention on children's rights and the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption are complied with. ²¹² Monitoring/control: the MAI has a supervisory role over the French Adoption Agency. It subsidises, issues authorisations and monitors the adoption authorities. ²¹³ Expertise and legal watch on adoption (national and international). ²¹⁴	

²⁰⁹ France, see the Ministry of Justice's [website](#).

²¹⁰ France, see the Ministry of Justice's [website](#).

²¹¹ France, [Decree No. 2009-407 on the Central Authority for Intercountry Adoption](#) (*Décret n° 2009-407 relatif à l'Autorité centrale pour l'adoption internationale*), 14 April 2009.

²¹² France, see the Ministry of Foreign Affairs' [website](#).

²¹³ France, see the Ministry of Foreign Affairs' [website](#).

²¹⁴ France, see the Ministry of Foreign Affairs' [website](#).

		<p>Cooperation with other States and central authorities responsible for adoption²¹⁵ (negotiation/renegotiation of bilateral and multilateral agreements on intercountry adoption, assistance to children without families, etc.)</p>	
<p>French Adoption Agency (<i>Agence française de l'adoption</i> AFA)²¹⁶</p>	National	<p>Implementation: AFA is a public interest group that brings together the State, departments and private legal entities. Its role is to inform, advise and guide individuals and families applying for intercountry adoption. It also serves as an intermediary for adoption in the States parties to the Hague Convention of May 29, 1993.</p>	
<p>National fund for the financing of child protection (<i>Fonds national de financement de la protection de l'enfance</i> FNPE) (National Family Allowance Fund (<i>Caisse nationale des allocations familiales</i>))²¹⁷ (Ministry of Solidarity, Autonomy and the Disabled (<i>Ministère des Solidarités, de</i></p>	National	<p>Funding of the burden on departments resulting from the implementing of child protection legislation. Promote child protection actions defined by agreement between the Fund and its beneficiaries.</p>	

²¹⁵ France, see the Ministry of Foreign Affairs' [website](#).

²¹⁶ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 225-15](#).

²¹⁷ France, [Law No. 2007-293 reforming child protection](#) (*Loi No. 2007-293 reformant la protection de l'enfance*), Article 27, 5 March 2007.

<i>l'Autonomie et des Personnes handicapées))</i>			
National Council for Child Protection (<i>Conseil national de la protection de l'enfance - CNPE</i>) ²¹⁸	National	<p>Formulation of advisory reports and recommendations to the government on any question relating to child protection and prevention at the national level (in particular the major national guidelines in this field). It is consulted on draft legislation and regulations relating primarily to child protection.</p> <p>Coordination between those involved in child protection (State, departmental councils and civil society) in the design of the legislative and regulatory framework and national child protection policy.</p> <p>Promoting the convergence of local child protection policies.</p>	It can be referred to by the government but also be self-referring.
France protected childhood public interest group (<i>Groupement d'intérêt public "France enfance protégée" - GIP</i>) ²¹⁹	National	<p>Coordination of national child protection authorities.</p> <p>Support in the design and management of national and local child protection policies and national and international adoption.</p> <p>Accompaniment towards national and international adoption and access to personal origins.</p>	

²¹⁸ France, [Decree No. 2022-1729 on the National council for child protection](#) (*Décret n° 2022-1729 relatif au Conseil national de la protection de l'enfance*), 30 December 2022.

²¹⁹ France, [Order approving the constitutive agreement of the France protected childhood public interest group](#) (*Arrêté portant approbation de la convention constitutive du groupement d'intérêt public « France enfance protégée »*), 10 December 2022 ; France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 147-14](#).

		<p>Management of the National Observatory for Child Protection (<i>Observatoire national de la protection de l'enfance</i>) and the National Child Abuse Hotline (<i>Service national d'accueil téléphonique</i>).</p> <p>GIP FEP provides the general secretariat for the National Council for Child Protection (<i>Conseil national de la protection de l'enfance - CNPE</i>), the Conseil national pour l'accès aux origines personnelles and the Conseil national de l'adoption.</p> <p>.</p>	
<p>National Observatory for Child Protection (<i>Observatoire national de la protection de l'enfance</i> - ONPE)²²⁰</p> <p>(Managed by the France protected childhood public interest group (<i>Groupement d'intérêt public France enfance protégée</i>- GIP) (see above))</p>	National	<p>Monitoring: observation and analysis of all measures and practices relating to child protection (yearly report submitted to the Government and Parliament, with a thematic focus).</p> <p>Collection of quantified data on the endangerment and protection of juveniles.</p> <p>Develop and disseminate the knowledge acquired in the field of child protection, with the publication of studies and surveys.</p> <p>Support for those involved in child protection²²¹.</p>	
<p>National Child Abuse Hotline (<i>Service national d'accueil</i></p>	National	<p>Monitoring/support (telephone <i>hotline</i> on 119, contactable 24 hours a day): it responds</p>	

²²⁰ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 226-6](#).

²²¹ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 226-6](#).

<p><i>téléphonique pour l'enfance en danger</i> - SNATED)²²²</p> <p>(Managed by the France protected childhood public interest group (<i>Groupement d'intérêt public France enfance protégée</i>- GIP)²²³ (see above))</p>		<p>at all times to requests for information or advice regarding situations of juveniles in danger or presumed to be in danger and immediately send the president of the departmental council the information gathered and its assessments in this matter²²⁴ (see 4.2.3).</p>	
<p>Council for Children and Adolescents (<i>Conseil de l'enfance et de l'adolescence</i>)</p> <p>(High council on family, children and age (<i>Haut Conseil de la famille, de l'enfance et de l'âge</i> - HCFEA))²²⁵</p>	National	<p>Issuance of advisory reports and recommendations. The HCFEA gives its opinion on the priority aims of family and childhood policies, on the respect of the rights and the proper treatment of vulnerable persons, as well as on any bill on childhood and more generally on any issue related to the family and childhood. The Council for Children and Adolescents is the body of the HCFEA responsible for children's issues.</p>	The HCFEA can be referred to by the government or it can be self-referring.
National Council for Access to Personal Origins (<i>Conseil</i>	National	<p>Issuing of advisory reports and recommendations regarding access to origins.</p>	

²²² France, see SNATED [website](#).

²²³ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 226-6](#).

²²⁴ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 226-6](#).

²²⁵ France, [Decree No. 2016-1441 on the composition and operation of the High council on family, childhood and age](#) (*Décret n° 2016-1441 relatif à la composition et au fonctionnement du Haut Conseil de la famille, de l'enfance et de l'âge*), 25 October 2016.

<i>national pour l'accès aux origines personnelles</i> ²²⁶			
National adoption council (<i>Conseil national de l'adoption</i>) ²²⁷	National	Issuing of advisory reports and recommendations regarding adoption, including intercountry adoption.	
Defender of Rights (Défenseur des droits) ²²⁸	National Local (delegates)	Review of individual complaints regarding children. Formulation of general recommendations in order to influence public policies and practices.	
National consultative commission on human rights (<i>Commission nationale consultative des droits de l'homme - CNCDH</i>) ²²⁹	National	Monitoring and issuing of advisory reports , in order to influence public policies and practices. Mandates as "independent national rapporteur", in particular to monitor and assess national action plans for combating human trafficking and anti-LGBTI hate and discrimination, as well as to monitor and assess public policy on the rights of persons with disabilities. ²³⁰	
Regional health agencies (<i>Agences régionales de santé - ARS</i>) ²³¹	Régional/Local	Policy making: development of regional health projects, which may include a focus on arrangements for children with disabilities.	

²²⁶ France, [Law No. 2022-140 on child protection](#) (*Loi No. 2022-140 relative a la protection des enfants*), Article 36, 7 February 2022.

²²⁷ France, [Law No. 2022-140 on child protection](#) (*Loi No. 2022-140 relative a la protection des enfants*), Article 36, 7 February 2022; France, [Decree No. 2022-1646](#), 23 of December 2022.

²²⁸ France, [Organic Law No. 2011-333 regarding to the Defender of Rights](#) (*Loi organique n° 2011-333 relative au Défenseur des droits*), 29 March 2011.

²²⁹ France, [Law No. 2007-292 on the National Consultative Commission on Human Rights](#) (*Loi n° 2007-292 relative à la Commission nationale consultative des droits de l'homme*), 5 March 2007.

²³⁰ See dedicated page on the CNCDH [website](#).

²³¹ France, Code of Public health (*Code de l'action sociale et des familles*), [Article L. 1431-1 et seq.](#)

		<p>Implementation: implementation at the regional level, in particular, of the aims of the national public health policy, in conjunction with the authorities responsible for school and university health and maternal and child protection.</p> <p>Prevention and surveillance: general competence to inspect and report abuses in health care institutions, including medical and social institutions caring for children with disabilities.</p>	
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2.1.4. Please indicate if there were in the past five years any important changes concerning the child protection mandate/roles/responsibilities and outline what caused or influenced these changes (for example, a transfer of responsibility for child protection from one ministry to another ministry or a body or merging of responsibilities, etc. Please indicate notably if an integrated approach has been sought and/or achieved.

There are some major changes to report. First, a general secretariat responsible for Children, initially reporting to the Ministry of Solidarity, and now to the Prime Minister, was created in 2019. This secretariat now has primary responsibility for defining national child protection policy, ensuring inter-ministerial coordination in this area and exercising direct authority over the directorates that are primarily responsible for the technical aspects of developing the legislative and regulatory framework.

Also worth mentioning is the creation of the new public interest group (GIP) France protected childhood (*France enfance protégée*), which absorbs several existing structures (the former public interest group Children in danger (*Enfance en Danger*), the French Adoption Agency (*Agence française de l'adoption* - AFA) and manages the general secretariats of the National Council for Child Protection (*Conseil national de la protection de l'enfance* - CNPE) - which has also seen its remit redefined -, the National Council for Access to Personal Origins (*Conseil national pour l'accès aux origines personnelles* - CNAOP) and the National adoption council (*Conseil national de l'adoption* - CNA). Management of the National Observatory for Child Protection (*Observatoire national de la protection de l'enfance* - ONPE) and the National Child Abuse Hotline (*Service national d'accueil téléphonique de l'enfance en danger* - SNATED).

These changes are intended to redefine the framework for the development of national child protection policy in France. They are also intended to improve national governance of child protection, as well as to strengthen the coordination of competent actors and the harmonisation of their actions.

2.1.5. Please indicate, in the table below, the major service providers at national level in the area of child protection. Include family support services /measures (i.e. counselling, financial assistance) that are part of the overall social protection/welfare system for children in risk.

Service providers <i>(include the name and the type of institution i.e. public authority, NGOs, religious institutions, private)</i>	Type of services <i>(Include counselling, care institutions, day care centres, financial assistance, legal advice, rehabilitation services for victims, education awareness –training activities, etc.)</i>	Target groups <i>(For example, children with disability, children in risk of or living in poverty, immigrant children, children deprived form parental care, child victims of abuse or exploitation. When relevant, please indicate if third country nationals and irregular immigrants are entitled to such services)</i>	Funding <i>(national budget, EU funded, other)</i>
Child welfare system (<i>Aide sociale à l'enfance</i> - ASE) ²³² (Departmental council)	All the powers provided for in Articles. L. 221-1 of the Social Action and Family Code (<i>Code de l'action sociale et des familles</i>): ²³³ - Material, educational and psychological support for juveniles and their family members/legal representatives. - Actions to prevent the risks of marginalisation and to facilitate social integration and promotion.	Children at risk and/or facing difficulties that may endanger their health, safety, morals or seriously compromise their education or their physical, emotional, intellectual and social development; as well as emancipated juveniles and young adults under 21 years of age with family, social and educational difficulties likely to seriously compromise their equilibrium. ²³⁴	Budget of departmental councils.

²³² France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L 221-1 et seq.](#)

²³³ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L 221-1 et seq.](#)

²³⁴ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L 221-1 et seq.](#)

	<ul style="list-style-type: none"> - Implementation of urgent actions for the protection of juveniles. - Provide for all the needs of juveniles entrusted to the service and ensure their referral in cooperation with their family/legal representative. - Implementation of actions to prevent dangerous situations. - Identification and referral of juveniles who are victims, or at risk of, sexual violence. - Material, educational and psychological support for juveniles involved in prostitution. - Identification and referral of juveniles convicted of animal abuse or whose perpetrators have been convicted of animal abuse. - Ensure that the child's bonds with others, especially siblings, is maintained - Ensure the stability of the child's care pathway. 		
<p>Directorate of Judicial Youth Protection (<i>Direction de la</i></p>	<p>Implementing of educational measures.</p>	<p>Children in contact with the justice system, especially children in detention or serving an educational sentence.</p>	<p>State budget (Ministry of Justice).</p>

<p><i>Protection judiciaire de la jeunesse</i> - DPJJ)²³⁵</p> <p>(Under the supervision of the Secretariat of State for Children (<i>secrétariat d'État chargé de l'Enfance</i>) for the civil aspect and the Ministry of Justice for the criminal aspect)</p>	<p>Implementing of the decisions of juvenile court judges in residential and non-residential facilities.</p> <p>Implementing of investigative measures (for the assessment of the situation of juvenile offenders and juveniles in danger).</p> <p>Educational follow-up of detained juveniles.</p> <p>Stand-by duties for public prosecutors, juvenile court judges and departmental councils as part of the national support unit for referral (for unaccompanied minors).</p> <p>Implementing education measures for juveniles in danger²³⁶ and young adults needing support (<i>protection jeune majeur</i>)²³⁷.</p>		
<p>Office of Union Law, Private International Law and Mutual Assistance in Civil Matters²³⁸</p> <p>(Ministry of justice)</p>	<p>Legal assistance and family mediation for parents in conflict.</p>	<p>Children involved in a parental conflict with a foreign aspect.</p>	<p>State budget (Ministry of Justice).</p>

²³⁵ France, [Decree 2017-634](#), 25 April 2017.

²³⁶ France, Civil code (code civil), [Article 375-4](#).

²³⁷ France, [Decree 75-96](#), 18 February 1975.

²³⁸ France, see the Ministry of Justice's [website](#).

<p>French Intercountry Adoption Mission (<i>Mission de l'adoption internationale</i> - MAI)²³⁹</p> <p>(French Ministry of Europe and Foreign Affairs)</p>	<p>Adoption services (see 2.1.3).</p>	<p>Children to be adopted.</p>	<p>Public funds (ministry of Europe and Foreign Affairs).</p>
<p>French Adoption Agency (<i>Agence française de l'adoption</i> - AFA)²⁴⁰</p>	<p>Adoption services (information, support, family counselling, intermediary role).</p>	<p>Children to be adopted and families applying for adoption.</p>	<p>Public funds.</p>
<p>119 - National Child Abuse Hotline (and chat since 2021) (<i>Service national d'accueil téléphonique pour l'enfance en danger</i> - SNATED)²⁴¹</p>	<p>According to the law of March 5, 2007, SNATED has three main remits (ATA for "Accueillir, Transmettre, Agir" (Accommodate, Transmit, Act):</p> <ul style="list-style-type: none"> - Receiving of calls from children in danger or in danger of being in danger and from anyone facing this type of situation. - The sending of information relating children in danger or at risk of being in danger to the competent services of the departmental councils. - Prevention of child abuse. 	<p>Children in danger/victims of abuse.</p>	<p>Public funds (managed by the France protected childhood public interest group (<i>Groupement d'intérêt public France enfance protégée</i>)).²⁴²</p>

²³⁹ France, [Decree No. 2009-407 on the Central Authority for Intercountry Adoption](#) (*Décret n° 2009-407 relatif à l'Autorité centrale pour l'adoption internationale*), 14 April 2009.

²⁴⁰ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 225-15](#).

²⁴¹ France, see SNATED [website](#).

²⁴² France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 226-6](#).

Platform for reporting gender-based and sexual violence ²⁴³	Reporting of gender-based and sexual violence to specifically trained police officers.	Victims of domestic, gender-based and/or sexual violence.	Public funds.
Magendarmierie.fr platform (ComCyberGend / Digital Brigade))	Platform dedicated to information provision and offences reporting, with a particular focus on the reporting of intra-familial violences and/or abuses. Available 24/7 with direct contact with gendarmes (no bot).	Victims, especially victims of domestic violence and/or sexual abuse.	Public funds.
3919 ²⁴⁴	Telephone hotline.	Women victims of violence (including girls).	Public funds.
3020 ²⁴⁵	Telephone number for reporting.	Pupils who are victims of harassment.	Public funds.
3018 ²⁴⁶	Telephone number for reporting.	Child victims of cyberbullying.	Public funds.
<i>France Victimes</i> ²⁴⁷	Federation of professional associations specialising in victim assistance that provide legal and psychosocial assistance (and some mediation services).	Victims in general (including, but not specifically, children).	Public funds (essentially the Ministry of Justice).
Defender of Rights (<i>Défenseur des droits</i>) ²⁴⁸	Legal advice. Mediation.	General jurisdiction to hear individual claims regarding children's rights.	Public funds.

²⁴³ France, see dedicated [website](#).

²⁴⁴ France, see the Stop violence (*Arrêtons les violences*) [website](#).

²⁴⁵ France, see the Ministry of National Education and Youth's [website](#).

²⁴⁶ France, see the Ministry of National Education and Youth's [website](#).

²⁴⁷ France, see the federation's [website](#).

²⁴⁸ France, [Organic Law No. 2011-333 regarding to the Defender of Rights](#) (*Loi organique n° 2011-333 relative au Défenseur des droits*), 29 March 2011.

	Training.		
The child's voice (<i>La Voix de l'Enfant</i>) ²⁴⁹	<p>Legal advice (including with a telephone line).</p> <p>Legal assistance (including civil action in certain proceedings).</p> <p>Help with access to health and care.</p> <p>Educational support and cultural activities.</p> <p>Awareness raising and training.</p>	<p>Children at risk or victims of abuse.</p> <p>Disadvantaged children and their families.</p> <p>Unaccompanied minors.</p>	<p>Public subsidies.</p> <p>Private funding (donations, legacies, private funds).</p>
<i>L'Enfant bleu</i> ²⁵⁰	<p>Legal and psychosocial support for child victims.</p> <p>Awareness raising in schools.</p> <p>Training of professionals.</p>	<p>Children at risk or victims of abuse.</p>	<p>Private sector funding.</p>
Childhood and Sharing ²⁵¹	<p>Management of two toll-free numbers: <i>Stop maltraitance</i> and <i>Stop Conflit</i> (0 800 05 1234), and <i>Allo Parents Bébé</i> (0 800 00 3456).</p> <p>Legal and psychosocial support.</p> <p><i>Ad hoc</i> administrator.</p> <p>Prevention and awareness raising activities.</p>	<p>Children at risk or victims of abuse.</p>	<p>Private sector funding (donations, bequests) and public subsidies.</p>

²⁴⁹ France, see the association's [website](#).

²⁵⁰ France, see the association's [website](#).

²⁵¹ France, see the association's [website](#).

<i>Innocence en Danger</i> ²⁵²	Awareness raising. Consultancy and legal assistance. Educational and cultural activities.	Children at risk or victims of abuse.	Private sector funding (grants).
<i>Hors la Rue</i> ²⁵³	Educational support (including French classes) and cultural activities (with an open center in Montreuil). Psychosocial support for children and young adults. Identifying wandering children. Advocacy and awareness-raising on the fight against trafficking in human beings.	Unaccompanied minors and young adults.	Public subsidies (national and local) and private sector funding
GISTI ²⁵⁴	Legal advice and litigation legal assistance. Training and publication of books. Legal actions.	Unaccompanied minors.	Mostly private sector funding (donations) and public subsidies.

2.1.6. Please indicate if any child participation or feedback mechanisms are part of child protection services.

The law of January 2, 2002 *renovating social and medico-social action*²⁵⁵ (reinforced by the decree of April 25, 2022)²⁵⁶ provides for the establishing of public welfare councils (*conseils de la vie sociale* - CVS) within institutions and services providing for child welfare.

²⁵² France, see the association's [website](#).

²⁵³ France, see the association's [website](#).

²⁵⁴ France, see the association's [website](#).

²⁵⁵ France, [Law No. 2002-2 renovating social and medico-social action](#) (*Loi n° 2002-2 rénovant l'action sociale et médico-sociale*), 2 January 2002.

²⁵⁶ France, [Decree No. 2022-688 modifying the social life council and other forms of participation](#) (*Décret n° 2022-688 portant modification du conseil de la vie sociale et autres formes de participation*), 25 April 2022.

Each CVS includes at least two representatives of the persons supported (including child representatives, accessible to children aged eleven and over), a staff representative and a representative of the managing organisation (a representative of the families, a representative of the legal representatives for the protection of adults, a representative of the legal representatives of the persons supported, as well as the elected representatives of the area, supervisory authorities, qualified persons, and the Defender of Rights (*Défenseur des droits*) can also participate)²⁵⁷. However, these CVSs are not compulsory for institutions and services that take care of a majority of juveniles under the age of eleven and juveniles who are subject to judicial educational measures related to delinquent children or educational assistance.

In principle, representatives of the persons supported are elected by a simple majority of voters, except in certain cases, in which they are appointed in accordance with the rules of procedure²⁵⁸.

Children are represented in the public welfare councils by two representatives. In general, the 2002 law is not widely applied. In the most respectful associations, there are discussion groups, life councils, menu commissions, and sometimes participative budgets. In some departments, there are also experimental departmental councils for the child protection, but they tend to be aimed at young adults.²⁵⁹

²⁵⁷ France, [Article D. 311-5 of the Social Action and Family Code \(Code de l'action sociale et des familles\)](#)●

²⁵⁸ France, Article D. 311-10 of the Social Action and Family Code (Code de l'action sociale et des familles).

²⁵⁹ France, For the purposes of this research, the authors went beyond primary and secondary sources to interview directly, wherever necessary, public authorities (contacts and discussions with the deputy director of the cabinet of the Secretary of State responsible for children, the deputy director of the General Directorate for Social Cohesion), institutions responsible for children (the former vice-president of the National Council for Child Protection (*Conseil national de la protection de l'enfance*) in particular), and representatives of associations specialising in children's rights and child protection. Contacts were also made with the General Directorate of School Education (*Direction générale de l'enseignement scolaire* - DGEESCO) of the Ministry of Education, with staff of departmental child protection services, and with academics working on these issues. Despite reminders, the writers did not receive all the answers to their requests for information, particularly from the DGEESCO.

2.2. Civil society organisations active in the area of child protection. Please consider also including information on the role of religious institutions and groups active in the area of child protection.

Question	YES	NO	Comments
<p>2.2.1. Is there a registry of civil society organisations operating in the child protection area?</p> <p><u>If yes</u>, briefly provide information on the legislative-regulatory framework and the responsible authority.</p>		X	<p>There is no official register of this kind at the national level because each departmental council is responsible for the child protection organisations in its area of jurisdiction and has its own register (all organisations receiving subsidies from the department are listed in the department's public budget).</p> <p>However, the National Observatory for Child Protection (<i>Observatoire national de la protection de l'enfance</i> - ONPE) provides an online database listing a number of structures whose practices it wants to publicize and whose results have been deemed conclusive.²⁶⁰</p> <p>In addition, two websites have provided lists of organisations operating in the health and social field, including child protection organisations:</p> <p>https://www.sanitaire-social.com</p> <p>https://annuaire.action-sociale.org/</p>
<p>2.2.2. Is there a legal obligation for the accrediting; licensing; registering; inspecting the activity of any type of civil society organisations, e. g. NGOs, charities, church organisations, etc. in the area of child protection?</p> <p><u>If yes</u>, which is the responsible authority? How frequent are reviews and inspections?</p>	X		<p>The Social Action and Family Code (<i>Code de l'action sociale et des familles</i>) (Articles L. 313-1 et seq.)²⁶¹ strictly regulates the accreditation of child protection agencies. There are two types of accreditations: the authorisation to take children into care, which conditions the financial coverage by the departmental council (the "day rate"); the approval to work as a family assistant (with a training obligation). Depending on the institutions and services involved, the authorisations and approvals are issued by the president of the departmental council, the director general of the regional health agency (ARS), and/or the competent State authority (in particular, the Judicial youth protection agency (<i>Protection judiciaire de la jeunesse pour ce qui est de l'enfance délinquante</i>)).²⁶²</p> <p>Compliance with the authorisation/approval is monitored by the authority that issued it.²⁶³ The creation of an institution or service without</p>

²⁶⁰ France, The database is available on the ONPE [website](#) (link).

²⁶¹ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 313-1 et seq.](#)

²⁶² France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 313-3.](#)

²⁶³ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 313-3.](#)

		<p>accreditation constitutes an offence punishable by three months' imprisonment and a fine of 3750 euros²⁶⁴. In practice, the juvenile court judge frequently places juveniles in non-authorised facilities without the sanctioning of the judicial judge²⁶⁵. The administrative judge has also invalidated the sanction taken by a departmental council following an inspection of a non-authorised association.</p> <p>Regarding adoption, the Mission de l'adoption internationale (MAI) (French Central Authority for Intercountry Adoption under the Hague Convention) is competent to issue the accreditation of private adoption authorities, to monitor these bodies, and if necessary to order the accreditation to be changed, suspended or withdrawn.²⁶⁶</p>
<p>2.2.3. Are there cooperation agreements/partnerships between government and the civil society at national or local level?</p> <p><u>If yes</u>, What is the prevalence of this practice?</p> <p>Please provide <u>indicative examples</u> and information regarding the main areas covered, type of services targeted, and financial aspects of such partnerships (i.e. if done in view of accessing EU funds).</p>	X	<p>Associations are key players in the child protection system in France. They are present in several consultation and coordination bodies at the national level, such as the National Council for Child Protection and the France protected childhood public interest group (<i>groupement d'intérêt public France enfance protégée</i> (see 2.3.2), and contribute to the development of the legislative and regulatory framework and national child protection policy. At the local level, as structures accredited by the departmental councils (see 2.2.2), or when they respond to calls for tenders from the State (as in the case of digital violence or prostitution), they contractually assume the vast majority of the protection measures implemented, in particular in the area of childcare. In 2012, associations managed 92% of socialised children's homes, 77% of community care settings and 43% of nurseries.²⁶⁷</p> <p>In most cases, the associations have been in existence for a long time, although the Court of Auditors has observed a movement towards greater concentration of structures in recent years²⁶⁸. The choice made by departments to carry out protection duties directly or to outsource them to the voluntary sector depends on local specificities, starting with the size of the voluntary sector, the seniority and experience of the associations concerned, etc. In general, a large number of departments directly provide home-based educational measures, financial aid and</p>

²⁶⁴ France, Social Action and Family Code (*Code de l'action sociale et des familles*), Article L. 313-22.

²⁶⁵ France, State Council (*Conseil d'Etat*), [Decision No. 420940](#), 12 October 2018.

²⁶⁶ France, Social Action and Family Code (*Code de l'action sociale et des familles*), Article R. 148-10.

²⁶⁷ France, Court of Auditors (*Cour des comptes*), [Child protection. A time-inappropriate policy for children](#), November 2020, p. 72.

²⁶⁸ France, Court of Auditors (*Cour des comptes*), [Child protection. A time-inappropriate policy for children](#), November 2020, p. 73.

		<p>foster care, and delegate specialised prevention and open educational assistance measures to associations.</p> <p>In practice, this outsourcing to the voluntary sector takes several forms. The multi-year contract of aims and means (<i>contrat pluriannuel d'objectifs et de moyens</i>)²⁶⁹ is a preferred tool for formalising partnerships between departments and associations in implementing child protection policy at the local level. The association managing a social or medico-social service agrees with the departmental council to receive budget allocations over several years in order to achieve a number of aims defined in the contract. It may also provide for steps to be taken by the association to improve the quality of service provided and its economic efficiency.</p> <p>Calls for projects are increasingly common, issued by departmental councils whose jurisdiction requires the creation of additional places. Although the procedure is not governed by the public procurement code, a competitive bidding process is, however, carried out, with the applications being assessed by a call for projects committee (including representatives of the department, the Judicial youth protection agency (<i>Protection judiciaire de la jeunesse</i> - PJJ), authorised associations, and even young adults where appropriate). The budget of the association carrying out the contract is checked annually by the child welfare system (<i>aide sociale à l'enfance</i> - ASE), which notes and decides on the allocation of profits and deficits. The ASE and the Judicial youth protection agency (PJJ) are responsible for monitoring the proper care of children by the facility, which provides them with a yearly activity report and data. Although highly regulated (ASE and Judicial youth protection (PJJ)) monitor the minutes of the association's general assemblies, for example), the procedure has not proven to be effective in terms of care quality.</p> <p>On 22 March 2023, the DPJJ and the Department of Judicial Services of the Ministry of Justice co-signed a dispatch concerning the authorisation and accreditation of facilities providing educational assistance to minors by court order. The purpose of the dispatch is to alert the judicial authorities to the need for these facilities to comply with the regulations relating to the authorisation issued. Juvenile court judges, in the same way as public</p>
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²⁶⁹ France, Social Action and Family Code (*Code de l'action sociale et des familles*), Article L. 313-11.

		<p>prosecutors, have the power to monitor places of placement; the interests of minors require them to carry out this monitoring as regularly as possible, by being vigilant about the facilities housing minors in care.</p> <p>At the state level, in terms of protecting children from pedo-crime, there are several types of partnerships, for example: an interdepartmental partnership to identify victims using crime pictures, a partnership with private companies and Internet service providers to quickly access the information needed in cases of sexual exploitation of juveniles, or a partnership with TRACFIN to detect, based on financial flows, cases of <i>live streaming</i> and the purchasing of images or videos of juveniles of a sexual nature in cryptocurrency on the <i>darknet</i>²⁷⁰.</p> <p>Apart from targeted calls for tenders and partnerships, state funding of associations essentially targets so-called "network head" associations²⁷¹.</p>
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2.3. Inter-agency cooperation in the area of child protection

Question	YES	NO	Comments
<p>2.3.1. Is there <u>coordination between national, regional, or local authorities</u> in developing and implementing policies and legislation in the area of child protection?</p> <p><u>If yes, how</u> is this done? Please comment on the strengths and weaknesses.</p> <p><u>For example</u>, is this cooperation – coordination regulated by the legislative framework? Does cooperation take place ad hoc, e.g. addressing specific issues and on specific thematic areas of interest or is it a key feature of the system?</p>	X		<p>Coordination among child protection authorities takes several forms.</p> <p>From a technical perspective, the development of the legislative and regulatory framework for child protection is the responsibility of two inter-ministerial directorates within the government: the General Directorate for Social Cohesion (<i>Direction générale de la cohésion sociale</i> - DGCS) and the Directorate for the Judicial Youth Protection (<i>Direction de la protection judiciaire de la jeunesse</i> - DPJJ). These two directorates are under the supervision of several ministries but, for their activities related to child protection, they come under the authority of the Secretariat of State for Children (with the exception of the penal aspect relating to delinquent children, which comes under the Ministry of Justice, , which is also competent for</p>

²⁷⁰ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 97.

²⁷¹ France, For the purposes of this research, the authors went beyond primary and secondary sources to interview directly, wherever necessary, public authorities (contacts and discussions with the deputy director of the cabinet of the Secretary of State responsible for children, the deputy director of the General Directorate for Social Cohesion), institutions responsible for children (the former vice-president of the National Council for Child Protection (*Conseil national de la protection de l'enfance*) in particular), and representatives of associations specialising in children's rights and child protection. Contacts were also made with the General Directorate of School Education (*Direction générale de l'enseignement scolaire* - DGESCO) of the Ministry of Education, with staff of departmental child protection services, and with academics working on these issues. Despite reminders, the writers did not receive all the answers to their requests for information, particularly from the DGESCO.

		<p>child protection, i.e. 1.6), which ensures the general coordination of their action.</p> <p>It is also worth noting that the first interdepartmental committee on children was held in November 2022²⁷². It is intended to coordinate the legislative dimension of the national child protection strategy within the government.</p> <p>Coordination between the national and local levels takes place both through contracts (through multi-year commitments between the State and the departments, based on common requirements, a mutual financial commitment and indicators for assessing the actions carried out)²⁷³, and through consultation structures whose remit and composition facilitate this coordination. For example, the National Council for Child Protection (CNPE, also chaired by the Secretary of State for Children)²⁷⁴, the France protected childhood public interest group²⁷⁵, the National Council for Access to Personal Origins and the National Council for Adoption are partly composed of representatives of national authorities (ministries) and local authorities (departmental councils). The France protected childhood public interest group (GIP) in particular relies on a governance structure that involves the State and the departmental councils in equal measure, with the departments having a casting vote. It is financed in equal parts by the State and the departments. The role of the GIP and the CNPE is to support the government in defining and supervising national child protection policy (see 2.1). It is also through them that the legislative and regulatory dimension of child protection is mainly coordinated between the national and departmental levels. As such, the government is obliged to submit any legislative text on the subject to the CNPE, which issues an advisory report on the matter.</p> <p>The CNPE is also responsible for promoting the convergence of local child protection policies²⁷⁶.</p>
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²⁷² [France] See the website of the Secretariat of State for Children ([link](#)).

²⁷³ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 64.

²⁷⁴ France, [Decree No. 2022-1729 on the National council for child protection](#) (*Décret n° 2022-1729 relatif au Conseil national de la protection de l'enfance*), 30 December 2022.

²⁷⁵ [France], Order of December 10, 2022 approving the constitutive agreement of the France protected childhood public interest group (*Groupement d'intérêt public "France enfance protégée"*) ([lien](#)).

²⁷⁶ France, [Decree No. 2022-1729 on the National council for child protection](#) (*Décret n° 2022-1729 relatif au Conseil national de la protection de l'enfance*), 30 December 2022.

		Since the terms of reference of these structures were reviewed during 2022, and for some of them only implemented at the beginning of 2023, it is still early to assess the strengths and weaknesses of their coordination (also see 2.3.3).
<p>2.3.2. Is there inter-agency cooperation between the relevant actors having responsibility in the area of child protection (including civil society organisations)?</p> <p><u>If yes, please mention how this is done</u> (for examples are there standing inter-agency committees or meetings, are digital tools used?). Which actor has a leading role?</p>	X	<p>A number of consultation and coordination bodies have been set up.</p> <p>At the local level, the departmental council is responsible for child protection. Three departments are dedicated: Each of these departments works closely with the associations established in the area under their jurisdiction and coordinates their action.</p> <p>A decree of December 30, 2022²⁷⁷ also provides for the experimentation of departmental committees for child protection, whose role will be to facilitate consultation and inter-institutional coordination through "tightened supervision" of child protection at the departmental level.²⁷⁸ Co-chaired by the prefect and the president of the departmental council, they will comprise all local players in child protection (department, State, judicial authorities, professionals, family allowance funds).</p> <p>At national level, coordination takes place within consultation structures, the composition of which includes local authorities and civil society actors. The France protected childhood (<i>France enfance protégée</i>) public interest group, chaired by the president of a departmental council, brings together, in addition to representatives of the State and departmental councils, the French Adoption Agency (<i>Agence française de l'adoption</i>), the general secretariats of the National Council for Child Protection (CNPE), the National Council for Access to Personal Origins and the National Adoption Council, as well as a number of federations and associations (including the National Convention for child protection associations, CNAPE, a national federation including more than 160 organisations), which are members.</p> <p>Similarly, the CNPE comprises five colleges, respectively including: representatives of institutions, communities and competent administrations; representatives of users, former users or their families; representatives of child protection federations and associations (including</p>

²⁷⁷ France, [Decree No. 2022-1729 on the National council for child protection](#) (*Décret n° 2022-1729 relatif au Conseil national de la protection de l'enfance*), 30 December 2022.

²⁷⁸ France, [Information on experimentation of departmental committees](#).

		<p>CNAPE, a member of the CNPE board); representatives of professional associations and training organisations; qualified personalities.</p> <p>The National Council for Access to Personal Origins and the National Adoption Council comprise representatives of central authorities (ministries), departmental councils, competent institutions, and associations, as well as qualified individuals.</p> <p>(see 2.1.3 for the functions of these structures)</p> <p>Most associations and other civil society structures are grouped in national federations.</p>
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2.3.3. What are the main challenges regarding effective cooperation and coordination? (For example, lack of clarity regarding responsibilities and roles of actors, overlaps of responsibilities, and communication between organisations is not adequately structured and resourced)?

Several ministries and structures are involved in the development of public policy and the legislative and regulatory framework for child protection, making it difficult to read their tasks. The coordination between all these structures should be clarified.

The overhaul of the remits of the National Council for child protection and the Public Interest Group, as well as the creation of the Secretariat of State for Children, demonstrate the desire to provide a response to the often-criticised lack of harmonisation at national level. The coordination of the action of the Secretariat of State and other ministries should also be clarified.

In the same vein, the division of roles and coordination between the national and departmental levels of child protection, while relatively clear, could be improved on some issues. For example, the monitoring of the action of departmental services by the representatives of the State at the departmental level - the prefects - is very insufficient.

However, the main challenge remains the coordination and cooperation between the professionals responsible for implementing child protection in connection with the departments (due to the logic of specialisation and sometimes very different methodologies).

Another major difficulty lies in the interconnection between, on the one hand, the decisions of the departmental departments as to the protective measures to be implemented and, on the other, the control of the administrative judge in this matter. Indeed, the juvenile court judge cannot impose an enforceable measure against the department and the child cannot refer to the administrative judge. A department that does not comply with the law or a judicial measure can therefore hardly be sanctioned in practice (especially in cases of a change in the placement setting care or separation of siblings by the Child welfare system)²⁷⁹.

Question	YES	NO	Comments
2.3.4. Are child protection authorities engaging in <u>transnational cooperation</u> in the area of child protection, for example with regards to missing children, parental	X		(see below)

²⁷⁹ France, For the purposes of this research, the authors went beyond primary and secondary sources to interview directly, wherever necessary, public authorities (contacts and discussions with the deputy director of the cabinet of the Secretary of State responsible for children, the deputy director of the General Directorate for Social Cohesion), institutions responsible for children (the former vice-president of the National Council for Child Protection (*Conseil national de la protection de l'enfance*) in particular), and representatives of associations specialising in children's rights and child protection. Contacts were also made with the General Directorate of School Education (*Direction générale de l'enseignement scolaire* - DGESCO) of the Ministry of Education, with staff of departmental child protection services, and with academics working on these issues. Despite reminders, the writers did not receive all the answers to their requests for information, particularly from the DGESCO.

abduction, or migrant children?			
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If yes, please briefly comment and include information on transnational agreements-protocols of cooperation as well as on the interaction between child protection authorities and other actors involved in transnational cooperation processes, for example law enforcement and judicial authorities, migration authorities, social services, Central Authorities under Brussels IIbis Regulation/Hague Convention, consular or diplomatic authorities. Are there any challenges relating to transnational cooperation? Are the challenges different for cross-border cases among EU countries or with third countries?

Please provide information on main relevant agreements – cooperation schemes in two of the following areas: missing children, parental abduction, inter-country adoption, migrant children (family tracing-family reunification –return-relocation).

International child abduction

France has ratified several multilateral or bilateral international instruments relating to the international abduction of a child after the divorce or separation of their parents, including the 1980 Hague Convention on the Civil Aspects of International Child Abduction,²⁸⁰ the European Convention on Recognition and Enforcement of Decisions regarding Custody of Children,²⁸¹ as well as a series of bilateral conventions on mutual legal assistance in matters of child custody, visiting rights and maintenance.²⁸²

The Office of Union Law, Private International Law and Mutual Assistance in Civil Matters (*Bureau du droit de l'Union, du droit international privé et de l'entraide civile*), the French central authority for implementing international conventions in the field of family cooperation, provides assistance in international family mediation to parents wanting to find a negotiated solution to their conflict.²⁸³

Missing children

. The Office Central pour la Répression des Violences aux Personnes (OCRVP) of the Direction Nationale de la Police Judiciaire (DNPJ) plays an active role in the work of the PEN-MP (Police European Network for Missing Persons), being also a member of the core group of this network of experts, which exchanges best practices among internal security forces and proposes, under the auspices of the Council of the European Union, the creation of new tools or the adaptation of regulations to improve the handling of missing persons.²⁸⁴

French associations are part of international NGO networks such as *Missing Children Europe*, the European Federation for Missing and Sexually Exploited Children²⁸⁵ (including *Droit d'Enfance* which coordinates the 116 000 European emergency number for missing children in France).

Intercountry adoption

For France, the central authority for intercountry adoption under the 1980 Hague Convention is the French Intercountry Adoption Mission (*Mission de l'adoption internationale* - MAI).²⁸⁶ The *Mission* ensures France's compliance with its commitments under the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.²⁸⁷ In particular, it is responsible for implementing cooperation between States in order to strengthen the central authorities of the States of origin, help them develop alternatives to the care of children without families, and identify and assess the real needs of children (see 2.1.3).

²⁸⁰ See the text of the [agreement](#).

²⁸¹ S See the text of the [agreement](#).

²⁸² France, For a list of agreements entered into (as of 2010), see the Ministry of Justice website, ([link](#)) and ([link](#)).

²⁸³ France, See the *Bureau* [website](#).

²⁸⁴ France, See the *Bureau* [website](#).

²⁸⁵ See the federation's [website](#).

²⁸⁶ France, [Decree No. 2009-407 on the Central Authority for Intercountry Adoption](#) (*Décret n° 2009-407 relatif à l'Autorité centrale pour l'adoption internationale*), 14 April 2009The *Mission* reports to the Ministry of Europe and Foreign Affairs.

²⁸⁷ See the text of the [agreement](#).

Fight against child pornography

The central office for the répression of violence against persons (*Office central pour la répression des violences aux personnes - OCRVP*) includes a unit dedicated to fight against online sexual exploitation and abuse, including travelling child criminals : the Central Group for Victimized Minors (GCMV). The unit is engaged in sustained cooperation with its foreign counterparts as well as with INTERPOL and EUROPOL. It also participates in the European expert group EMPACT, as co-leader of two operational actions dedicated to the fight against the phenomenon of child pornography livestreaming and roaming child crime²⁸⁸.

Also, The ComCyberGend is fully committed in the fight against child sexual abuse and child pornography through the action of the Platform for tackling child sexual abuse (Plateau de répression des infractions sexuelles commises sur les mineurs, PRISM). The PRISM includes the CNAIP and a group of specialized investigators managing regularly national operations (HORUS) mainly involving a network of several hundreds of covert Internet investigators. The CNAIP manages the national database CALIOPE, which contains tens of millions of child sexual abuse images and videos collected during investigations carried out in France by gendarmerie or police units, and cooperates with EUROPOL and INTERPOL databases. The head of the CNAIP is currently chairing INTERPOL's victim identification sub-group within the working group on combating child sexual abuse. The PRISM collaborates closely with EUROPOL and EMPACT platform during their annual operational week, which aims to tackle high value targets in child abuse criminality.

From September 2023, a new central judicial police office responsible for combating violence against minors will be launched. The Office for Minors (OFMIN) will take over the remit of the OCRVP's Central Group for Minors and Victims (GCMV), and its remit will be extended to cover all offences relating to the sexual exploitation of minors (online and travelling paedophiles, incest, institutional sexual violence), serious physical violence (infanticide, shaken babies) and bullying. He will represent the Ministry of the Interior on European and international cooperation bodies, and will take part in various cooperation programmes and operational task forces. Its aim will be to strengthen links with other players involved in child protection (institutional partners, associations, digital). Finally, it will propose an analysis of criminal phenomena linked to paedophile [outside of the reference period].

Child labour

France is a founding member of Alliance 8.7, a global partnership created as part of the Sustainable Development Goals, which aims to eradicate child labour by 2025, by bringing together governments, international organisations, social partners, businesses and NGOs²⁸⁹. It has taken over the presidency in 2019.

Other international cooperation mechanisms

In addition to the many United Nations and Council of Europe conventions and monitoring mechanisms to which France has subscribed, the French authorities may support certain Council of Europe cooperation programmes set up on the basis of the conclusions and recommendations of the Council's monitoring bodies²⁹⁰. In addition, the French international cooperation and solidarity policy implemented by the French Development Agency (*Agence française pour le développement - AFD*) is gradually incorporating a rights-based approach that includes the specific issue of childhood. However, in 2020, the NGO group Groupe Enfant considered that the AFD was only taking children into account at an embryonic stage²⁹¹.

²⁸⁸ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 92.

²⁸⁹ See the Alliance's [website](#).

²⁹⁰ See the Council of Europe's website..

²⁹¹ France, [Groupe Enfant, France's international policy on rights of child \(*La politique internationale de la France au regard des droits de l'enfant*\), 2020](#).

2.4. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection governance, coordination structures, and services in the past 8 years, incl. achievements and (persisting) gaps and challenges

The creation of the Secretariat of State for Children (*secrétariat d'État chargé de l'Enfance*) (which centralises the development and management of child protection policies) and the establishing of the Pact for Children (*Pacte pour l'Enfance*) demonstrate the desire to strengthen the coordination of child protection policy at national level. In the same vein, the concentration of several activities within the France protected childhood (*France enfance protégée*) public interest group, which were previously the responsibility of separate structures (support for national and international adoptions and searches for one's origins, management of the National Observatory for Child Protection and the 119 call service), should be highlighted. However, although the change is generally seen as positive, its impact will have to be assessed in the medium- and long-term.

In November 2020, the Court of Auditors (*Cour des comptes*) noted that child protection policy suffered from "overly complex and failing national and local governance" and a lack of coordination between child protection actors.²⁹²

The various institutional reforms and the adoption of the law of February 7, 2022 seem to respond only partially to these difficulties. However, clear improvements can be noted, in particular in the effort to clarify and coordinate the actions of the bodies involved at national level.

At the departmental level, the multi-year contractual agreement between the State and the departments, aimed at deploying the national child protection and prevention strategy throughout the country, has been well received. In the same vein, the experimentation of departmental committees for child protection initiated in December 2022 constitutes a useful advance in the coordination of departmental policies in this area. This will be assessed in several stages.

Difficulties persist, in particular with regard to the implementing of sanctions for failure to authorise or approve institutions and services. Children continue to be taken into care by unauthorised structures, without this being approved by the judge and despite the refusal of reimbursement sometimes made by departmental services. This permissiveness can be explained by a lack of dedicated human and financial resources at departmental and national levels, both in terms of care structures (insufficient in number) and supervision by the authorities (also insufficient). In addition, state funding for what falls under its own jurisdiction in this area (undertaking of paediatrics, child psychiatry, etc.) remains very inadequate²⁹³.

With regard to the supervision of social and medico-social establishments and services, see 2.2. Since March 2023, a national working group, co-chaired by the ENPJJ and the Réseau des écoles du service public, has been working on the crisis in the attractiveness of the social work professions, focusing on the crisis in the attractiveness of the civil service. In November 2023, this group will provide a report on the obstacles and levers that can be used to make the civil service more attractive.

²⁹² France, Court of Auditors (*Cour des comptes*), [Child protection. A time-inappropriate policy for children](#), November 2020.

²⁹³ France, For the purposes of this research, the authors went beyond primary and secondary sources to interview directly, wherever necessary, public authorities (contacts and discussions with the deputy director of the cabinet of the Secretary of State responsible for children, the deputy director of the General Directorate for Social Cohesion), institutions responsible for children (the former vice-president of the National Council for Child Protection (*Conseil national de la protection de l'enfance*) in particular), and representatives of associations specialising in children's rights and child protection. Contacts were also made with the General Directorate of School Education (*Direction générale de l'enseignement scolaire* - DGESCO) of the Ministry of Education, with staff of departmental child protection services, and with academics working on these issues. Despite reminders, the writers did not receive all the answers to their requests for information, particularly from the DGESCO.

2.5. Promising practices

Please list and briefly describe any promising practice in governance, coordination structures, and services that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

At the national level, the existence of a dedicated ministry (Secretariat of State for Children) can be noted. Similarly, the inter-ministerial organisation of the development of the legislative and regulatory framework and of the national child protection policy, with an inter-ministerial committee and two technical directorates mainly responsible - the General Directorate for Social Cohesion (DGCS) and the Directorate for the Judicial Youth Protection (*Direction de la protection judiciaire de la jeunesse* - DPJJ) - whose action is supervised and coordinated by the Secretariat of State, is a good practice.

The existence of consultation bodies (National Council for Child Protection (*Conseil national de protection de l'enfance*), France protected childhood (*France enfance protégée*) Public Interest Group, National Adoption Council (*Conseil national de l'adoption*), Council for Children and Adolescents (*Conseil de l'enfance et de l'adolescence*), etc.), including representatives of the State, departmental councils and child protection associations, contributes to better coordination between the national and local levels. It fosters both greater cooperation in the development of the legal framework and national child protection policy and better harmonising of the implementing of child protection at the local level.

At departmental level, departmental committees for child protection, including all local child protection actors and co-chaired by the prefect and the president of the departmental council, are intended to facilitate consultation and inter-institutional coordination through "closer monitoring" of child protection at departmental level²⁹⁴. Currently at the experimental stage, their implementation can be noted as good practice.

²⁹⁴ France, see the [website](#) of the Secretariat of State for Children.

3. Capacities (human and financial resources)

3.1. Information on budget allocation and funding

Question	YES	NO	Comments
3.1.1. Is budget allocation on child protection incorporated into legislative and policy instruments?	X		<p>The 1986 decentralisation law²⁹⁵ assigned child protection to the Departemental Council (<i>Conseil départemental</i>). The budget is defined by each department independently.</p> <p>However, the State remains responsible for the budgetary allocation of judicial protection and also finances certain child protection actions through the National fund for the financing of child protection (<i>Fonds national de financement de la protection de l'enfance</i> - FNPE).</p> <p>This fund was created by the law of March 5, 2007 <i>reforming child protection</i>,²⁹⁶ with the aim of compensating the workload of departments, resulting from the implementing of the law, and promoting actions in the framework of the reform. The Fund's resources consist of an endowment from the State-funded family benefits fund (<i>Caisse nationale d'allocations familiales</i> - CNAF), the amount of which is defined by the Social Security Financing Law (<i>loi de financement de la sécurité sociale</i>), and a yearly payment from the State (the amount of which is defined by the Finance Law).</p> <p>The methods for distributing <i>FNPE</i> resources have since been amended by two decrees of 2010²⁹⁷ and 2015²⁹⁸ to create a sub-envelope of credits specifically devoted to reimbursing the spending incurred by departments in the context of the sheltering, assessment and referral of children without legal representation in France.</p>
3.1.2. Is the budget allocated to child protection (alternatively on	X		In 2022, the general state budget will amount to 883 billion euros. Since the implementing of the Organic Law on Budget Acts in 2001, the State's

²⁹⁵ France, [Law No. 86-17 adapting the sanitary and social legislation to the transfer of competences in the field of social and health assistance](#) (*Loi n° 86-17 adaptant la législation sanitaire et sociale aux transferts de compétences en matière d'aide sociale et de santé*), 6 January 1986.

²⁹⁶ France, [Law No. 2007-293 reforming child protection](#) (*Loi No. 2007-293 reformant la protection de l'enfance*), Article 27, 5 March 2007.

²⁹⁷ France, [Decree No. 2010-497 on the National fund for the financing of child protection](#) (*Décret n° 2010-497 relatif au fonds national de financement de la protection de l'enfance*), 17 December 2010.

²⁹⁸ France, [Decree No. 2015-1013](#), 18 December 2015.

<p>children's rights or on social welfare) clearly specified in the annual national budget? Please refer to the specific budget item allocated to this in 2022?</p>		<p>general budget has been presented in terms of missions, which identify the major public policies, themselves divided into programmes, which contribute to this policy broken down into actions.</p> <p>The Solidarity, Integration and Equal Opportunity ("<i>Solidarité, insertion et égalité des chances</i>")²⁹⁹ mission had a budget of 28 billion euros in 2022. Within this mission, the Social Inclusion and Protection of People ("<i>Inclusion sociale et protection des personnes</i>") programme was allocated 13 billion euros in 2022.</p> <p>In this programme,³⁰⁰ an action is entitled "Protection and support for children, young people and vulnerable families" ("<i>Protection et accompagnement des enfants, des jeunes et des familles vulnérables</i>") and has a budget of 0.2 billion euros.</p> <p>The "Social inclusion and protection of individuals" budget programme is endowed with 13 billion euros. It is broken down into several actions: activity bonuses and other schemes (11.7 billion euros), legal protection for adults (0.7 billion euros), protection and support for children, young people and vulnerable families (0.25 billion), governmental strategy for preventing and combating child and youth poverty (0.33 billion euros), food aid (0.06 billion euros), etc.</p>
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3.1.3. What percentage of the total state budget was allocated to child protection in the last five years? If data is not available, please provide information on the budget allocated to social protection/social welfare in general.

95% of the spending allocated to child protection is borne by the departments. The State and the departments spend around €8.4 billion on child welfare policy, of which the departments are responsible for €7.99 billion,³⁰¹ or a total of 1.87% of public spending.³⁰² Child protection accounts for 23% of the total social assistance spending of departments. Spending for placement measures alone account for 80% of the total.

While the budget allocated to child protection has increased slightly, its share of the total budget remains stable.³⁰³

²⁹⁹ France, see the Ministry of Economy, Finance and Industrial and digital sovereignty's [website](#).

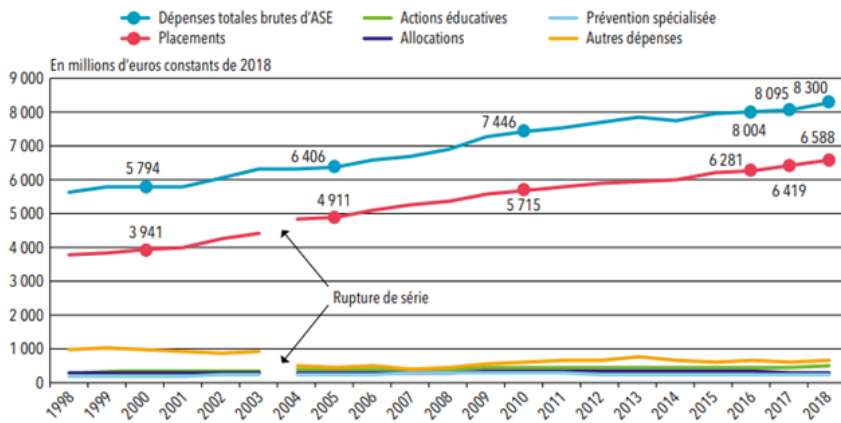
³⁰⁰ France, see the Ministry of Economy, Finance and Industrial and digital sovereignty's [website](#).

³⁰¹ France, Court of Auditors (*Cour des comptes*), [Child protection. A time-inappropriate policy for children](#), November 2020.

³⁰² Public spending amounts to some 450 billion euros per year.

³⁰³ France, DRESS (2020), [Social assistance and action in France Loss of autonomy, disability, child protection and integration](#) (*L'aide et l'action sociales en France Perte d'autonomie, handicap, protection de l'enfance et insertion*).

Graphique 3 Évolution des dépenses brutes d'aide sociale à l'enfance, de 1998 à 2018



Question	YES	NO	Comments
<p>3.1.4. Is the existing budget and funding of child protection services/institutions considered sufficient <u>and</u> sustainable (as compared to only project based for a limited period of time)?</p> <p><i>(Please consider available studies, reports at national level conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as the concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>	X		<p>The DREES overview points out, that since 2015, the increase in the number of placement recipients has exceeded the increase in placement spending, but it does not draw any critical qualitative implications.³⁰⁴</p> <p>Critics point to the inadequacy of resources in the face of increasing needs. One example is the Defender of Rights (<i>Défenseur des droits</i>), in its 2019 Yearly Report on children's rights, which highlighted the lack of resources.³⁰⁵</p> <p>Numerous alerts have also appeared in the press, in particular regarding the care of unaccompanied foreign minors. A 2018 mission report on unaccompanied minors³⁰⁶ supplemented two Senate reports, one from 2017,³⁰⁷ and the other from 2021³⁰⁸ which found that the sheltering system was saturated.</p> <p>It is thus pointed out that there are not enough ASE educators, who are overloaded with work, in services that are completely saturated, as a</p>

³⁰⁴ France, DRESS (2020), [Social assistance and action in France Loss of autonomy, disability, child protection and integration](#) (*L'aide et l'action sociales en France Perte d'autonomie, handicap, protection de l'enfance et insertion*).

³⁰⁵ France, Defender of rights (*Defenseur des droits*)(2019), [Children and Violence: the part played by public institutions](#)

³⁰⁶ France, [Report of the bipartisan reflection mission on unaccompanied minors](#) (*Rapport de la mission bipartite de réflexion sur les mineurs non accompagnés*), February 2018.

³⁰⁷ France, E. Doineau, J.-P. Godefroy, [Information report on behalf of the Social Affairs Committee on the social care of unaccompanied minors](#) (*Rapport d'information fait au nom de la commission des affaires sociales sur la prise en charge sociale des mineurs non accompagnés*), June 2017.

³⁰⁸ France, H. Bourgui, L. Burgoa, X. Lacovelli and H. Leroy (Senators), [Information Report on behalf of the Committee on Social Affairs \(1\) and the Committee on Constitutional Law, Legislation, Universal Suffrage, Regulations and General Administration \(2\) on unaccompanied minors](#) (*Rapport d'information fait au nom de la commission des affaires sociales (1) et de la commission des lois constitutionnelles, de législation, du suffrage universel, du Règlement et d'administration générale (2) sur les mineurs non accompagnés*), 29 September 2021.

		<p>clinical psychologist emphasized in an article in <i>Le Monde</i>.³⁰⁹</p> <p>Other criticisms are made with regard to implementing resources at the regional level.</p> <p>In its 2020 report on child protection, the Court of Auditors (<i>Cour des comptes</i>) emphasized "poor management, legislative ambitions that are slow to materialise" and "insufficient responsiveness of local actors to ensure the quality of care for children".³¹⁰</p>
<p>3.1.5. Do EU funds play a substantial role in the funding of the national child protection system and/or related policies?</p> <p>Please provide information on the child protection areas and related services incl. providers that use EU funds (including what type of funds for which period of time).</p>	<p>X</p>	<p>There is <u>no</u> evidence that the use of European funds is substantial in the area of child protection or in related public policies.</p> <p>The Daphne component of the European Union's "Citizens, Equality, Rights and Values" (CERV) programme to combat violence, particularly against children and women, is included in the EU Justice, Rights and Values Fund.</p> <p>This funding programme is used primarily in France to fund women's protection schemes, <u>not</u> child protection programmes.</p> <p>Children are <u>not</u> a target group or a priority in French FSE or FEDER programming. The national action plan against poverty and for social inclusion, which targets families with children living in poverty and exclusion, provides for the deployment of European funds. Several measures in the multi-annual plan would be eligible for additional EU financial support, such as investment in the youth guarantee, adequate housing and improved access to rights.</p> <p>Some actions in favour of the Roma, carried out by NGOs, may be supported by the FEDER, but they are not specifically devoted to the child protection.</p> <p>Some NGO projects on child victims and judicial follow-up have been financed by European funds, but this funding is marginal. <i>La Voix de l'Enfant</i>³¹¹ indicated in its financial report for 2020 the amount of 17,000 euros of European funds, and 5,000 euros of European funds in 2021. SOS Children's Village France (<i>SOS Village</i></p>

³⁰⁹ France, *Le Monde*, "Child protection: "We are reduced to being helpless observers of the endangerment of both juveniles and our services," 30 May 2022.

³¹⁰ France, Court of Auditors (*Cour des comptes*), *Child protection. A time-inappropriate policy for children*, November 2020.

³¹¹ France, *The Voix de l'Enfance* (2022), *2021 Yearly Report*.

			<i>d'Enfants France</i>) ³¹² has received some 27,000 euros in 2021 European funds.
3.1.6. Is corporate social responsibility developed at national level in relation to child protection services? <u>If yes</u> , please provide information on major child protection national programmes and actions that are primarily funded by the private sector or by public-private schemes/synergies.		X	<p>There is little evidence of substantial private sector involvement in child protection or the development of public-private synergies. Given the weakness of primary and secondary sources, this question was raised during contacts with public authorities.³¹³</p> <p>The issue of children's rights is not, however, absent from Corporate Social Responsibility thinking, as shown by the 2017 French law on the duty of care of parent companies and ordering companies³¹⁴ and the obligation for the largest companies to provide for risk mapping and a vigilance plan that incorporates the prohibition of child exploitation.</p> <p>In addition, information campaigns on France's commitments³¹⁵ against forced labour and the exploitation of children have been carried out, in particular in the context of the ratification of the Additional protocol on forced labour (<i>Protocole additionnel sur le travail forcé</i>).³¹⁶</p>
3.1.7. Has the involvement of the private sector in child protection recently significantly increased? Are there projects or programmes receiving governmental funding which outsource protection services for children? Please include civil society organisations and private companies contracted by government/local authorities to provide services.			<p>In France, associations are key players in the child protection system. They are the primary service providers for child welfare to implement protective measures, prevention programmes, and even training for workers.</p> <p>In this context, the relationship between civil society and public authorities is complex. Present in certain governance bodies, such as the Departmental observatory for child protection (<i>Observatoire départemental de la protection de l'enfance</i> - ODPE), the associations are positioned as partners in child protection policy. But they are also service providers when</p>

³¹² France, Sos Village d'Enfants France (2022), [2021 Annual Report](#).

³¹³ France, For the purposes of this research, the authors went beyond primary and secondary sources to interview directly, wherever necessary, public authorities (contacts and discussions with the deputy director of the cabinet of the Secretary of State responsible for children, the deputy director of the General Directorate for Social Cohesion), institutions responsible for children (the former vice-president of the National Council for Child Protection (*Conseil national de la protection de l'enfance*) in particular), and representatives of associations specialising in children's rights and child protection. Contacts were also made with the General Directorate of School Education (*Direction générale de l'enseignement scolaire* - DGESCO) of the Ministry of Education, with staff of departmental child protection services, and with academics working on these issues. Despite reminders, the writers did not receive all the answers to their requests for information, particularly from the DGESCO.

³¹⁴ France, [Law No. 2017-399 relating to the due diligence of parent companies and contracting companies](#) (*Loi n° 2017-399 relative au devoir de vigilance des sociétés mères et des entreprises donneuses d'ordre*), 27 March 2017.

³¹⁵ France is a member of the Alliance 8.7. See the Alliance's [website](#).

³¹⁶ France, See the campaign's [website](#).

<p>If <u>yes</u>, please explain the changes and the reasons hereof. Please provide information on the legal provisions regulating this and on the main services / groups of children that are covered. Provide information based on indicative examples.</p>		<p>they are approved by the Departemental Council (<i>Conseil départemental</i>) to implement protective measures or when they respond to calls for tenders from the State.</p> <p>In its 2020 report on child protection, the Court of Auditors emphasized that the vast majority of childcare facilities are private and managed by the voluntary sector.</p> <p>The voluntary sector includes both small local structures specialised in one type of intervention and powerful entities present in several departments (for example, the <i>Fondation des Apprentis d’Auteuil</i>).</p> <p>The Cour des Comptes (<i>Cour des comptes</i>) reported that "as of December 15, 2017, the ASE authorised 1,963 institutions and services, 62.8 percent of which were children's homes of a social type (Mecs). Seven out of ten structures are associations, the others are managed by local authorities (16%), foundations (9%) and organisations with another legal status (6%)".³¹⁷</p> <p>This situation gives rise to a series of difficulties pointed out by the Court of Auditors (<i>Cour des comptes</i>),³¹⁸ in particular a lack of transparency in the governance of these structures and difficulties in organising the control and qualitative assessment of the services provided by these private operators.</p> <p>However, there is no private company providing child protection services.</p> <p>However, some companies have a sponsorship policy oriented towards financing associative projects related to children. For example, the financial management group <i>Meeschaert</i> finances the early childhood foundation (<i>Fondation pour la petite enfance</i>), Google and the French Post Office finance the Children's foundation (<i>Fondation pour l'enfance</i>), the ENGIE foundation finances associative projects for the inclusion of children and young people through education, sport and culture, etc.</p>
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³¹⁷ France, Court of Auditors (*Cour des comptes*), [Child protection. A time-inappropriate policy for children](#), November 2020, p. 71.

³¹⁸ France, Court of Auditors (*Cour des comptes*), [Child protection. A time-inappropriate policy for children](#), November 2020.

3.2. Information on human resources, qualification requirements, and training

Question	YES	NO	Comments
<p>3.2.1. Are the allocated human resources in the area of child protection at all levels sufficient? (services, institutions etc.)?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>		X	<p>There are <u>no</u> official sources, assessment reports, or studies that could assess whether the human resources devoted to child protection are sufficient and whether their distribution at various levels is appropriate to the needs.</p> <p>In its concluding observations,³¹⁹ the United Nations Committee on children's rights, noted with concern, during the last review³²⁰ of France in 2016 that "despite significant public investment in children, the allocation of certain resources is inequitable, in particular regarding marginalised children and overseas departments and territories, including Mayotte".</p> <p>In particular, the Committee recommends that France "effectively monitor and assess the effectiveness, adequacy and equity of the distribution of resources allocated to the implementing of the Convention".</p> <p>In its statement on the Child Protection Bill of July 8, 2021, the CNCDH stated that: "Staff are the condition for decent child protection. CNCDH insists on the need to provide support for children by a sufficient number of trained staff".³²¹</p> <p>In its advisory report on the prevention and combat against prostitution of juveniles and trafficking for sexual exploitation of April 15, 2021, CNCDH "recommended the multiplication, throughout the country, of diversified care and emergency accommodation facilities appropriate to the needs of juveniles and their staffing by trained staff in order to provide sustainable support".³²²</p> <p>In its May 26, 2020 advice on "Respect for privacy and family life in child protection: a fundamental right that is difficult to ensure in a system that is in need of improvement", the</p>

³¹⁹ Committee on children's rights, [Concluding observations on the fifth periodic report for France](#), 23 February 2016.

³²⁰ It should be noted that the next review of France by the United Nations Committee on children's rights will take place in May 2023.

³²¹ France, CNCDH, [Statement on the Child Protection Bill](#) (*Declaration sur le Projet de loi relatif à la protection des enfants*), 8 July 2021, para. 14.

³²² France, CNCDH, [Opinion on the prevention of and fight against prostitution of juveniles and trafficking for sexual exploitation](#) (*Avis sur la prévention et la lutte contre la prostitution des mineurs et la traite à des fins d'exploitation sexuelle*), 15 April 2021, rec. No. 12.

		<p>CNCDH emphasized that "it emerged from the hearings that many visiting rights are subject to the presence of a third party, which not only may infringe on the child's intimacy and need for emotional security, but also depends on whether or not there are resources and staff to implement it".³²³</p>
<p>3.2.2. Are the allocated human resources competent in the area of child protection and appropriately trained?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>	<p>x</p>	<p>Article 25 of the law of March 5, 2007 <i>reforming child protection</i>³²⁴ introduces a general principle of training for all professionals involved.</p> <p>It is difficult to assess the quality and regularity of training and the number of staff actually trained in these issues, given the absence of national training programmes or action and assessment plans. Training is usually the result of local initiatives, which may be designed or supported by local authorities (Departemental Council (<i>Conseil Départemental</i>)) and may be more or less multidisciplinary in type, with a varying scope (e.g., focusing on judicial proceedings).</p> <p>It should be noted that the most recent yearly activity report of the National council for child protection emphasizes the following goals: on the one hand, "continue the work initiated in 2017 relating to the promotion of multi-institutional and multi-disciplinary training to formalise a recommendation to develop them"; on the other, produce a recommendation on training for child protection volunteers: the diversity of voluntary commitments in this public policy, the supporting of children in child protection is not the sole responsibility of professionals".³²⁵</p> <p>Finally, it is important to note that the United Nations Committee on children's rights considered, at the time of the last review of France (the next review will take place in May 2023), that the training of professionals regarding violence against children was insufficient: "The committee is concerned about...the inadequate coordination and training of officials working with children, in particular with regard to the identification and reporting of suspected child abuse, and the</p>

³²³ France, CNCDH, [Avis "Respect for privacy and family life in child protection: a fundamental right that is difficult to ensure in an ailing system"](#) (*Le respect de la vie privée et familiale en protection de l'enfance : un droit fondamental difficilement assuré dans un dispositif en souffrance*), 26 May 2020, para. 29.

³²⁴ France, [Law No. 2007-293 reforming child protection](#) (*Loi No. 2007-293 reformant la protection de l'enfance*), Article 27, 5 March 2007.

³²⁵ France, CNPE, [Annual Report 2019-2020](#).

			taking of action or referral of cases to the appropriate authorities". ³²⁶
<p>3.2.3. Is there a <u>compulsory certification or licencing</u> process for social workers and other professionals who work for child protection?</p> <p><u>If yes</u>, briefly describe the process.</p>		X	<p>Article 25 of the 2007 law reforming child protection³²⁷ introduces a general principle of training for all professionals involved.</p> <p>The Decree No. 2009-765 of June 23, 2009 relative to training in the field of child protection specifies the contours of the obligation.</p> <p>However, to date there is no mandatory certification or licensing process for social workers and other professionals working in the child welfare sector.</p>
<p>3.2.4. Are there any <u>selection criteria</u> (for example qualification requirements) and <u>vetting procedures</u> for volunteers working with children in various areas?</p> <p><u>If yes</u>, please describe briefly.</p>		X	<p>Selection criteria, qualification requirements and monitoring procedures are left to the discretion of associations.</p> <p>However, it appears from discussions³²⁸ with public authorities, institutions and representatives of civil society that conditions relating to diplomas would generally be imposed and that a criminal record check would be carried out for anyone working with children, both with regard to their criminal record and to the sexual offences file.</p>
<p>3.2.5. Is there <u>regular training</u> on issues related to the identification, referral, and intervention for children delivered to specialists involved in this area?</p> <p><u>If yes</u>, please include information on the training of law enforcement officials (judges, persecutors, police), health and education personnel (doctors, nurses, teachers, school counsellors).</p> <p>Please provide information on the mandatory nature of training, its</p>		X	<p>The training of social workers involved in child protection is governed by the decree of June 23, 2009 <i>on training in the field of child protection</i>³²⁹. It states that education and training for child welfare workers is implemented through programmes that address the following topics:</p> <ul style="list-style-type: none"> - The changes in and development of child protection in France, in particular with regard to the United Nations Convention on the Rights of the Child (UNCRC). - Knowledge of child protection, from prevention to care, including its legal framework, organisation and actors, strategies and types of interventions.

³²⁶ Committee on children's rights, [Concluding observations on the fifth periodic report for France](#), 23 February 2016.

³²⁷ France, [Law No. 2007-293 reforming child protection](#) (*Loi No. 2007-293 reformant la protection de l'enfance*), Article 27, 5 March 2007.

³²⁸ France, For the purposes of this research, the authors went beyond primary and secondary sources to interview directly, wherever necessary, public authorities (contacts and discussions with the deputy director of the cabinet of the Secretary of State responsible for children, the deputy director of the General Directorate for Social Cohesion), institutions responsible for children (the former vice-president of the National Council for Child Protection (*Conseil national de la protection de l'enfance*) in particular), and representatives of associations specialising in children's rights and child protection. Contacts were also made with the General Directorate of School Education (*Direction générale de l'enseignement scolaire* - DGESCO) of the Ministry of Education, with staff of departmental child protection services, and with academics working on these issues. Despite reminders, the writers did not receive all the answers to their requests for information, particularly from the DGESCO.

³²⁹ France, [Decree No. 2009-765](#), 23 June 2009.

<p>frequency, funding, if it relates to specific needs of children, etc.</p>		<ul style="list-style-type: none"> - Knowledge of the child and family situations, including developmental milestones and child disorders, changing families, dysfunctional families, ways to identify and assess situations of children in danger or at risk. - Professional positioning, including ethics, accountability, confidentiality and information sharing. <p>Ongoing education is aimed more specifically at raising awareness of how to spot warning signals, knowledge of departmental protection mechanisms, and the skills needed to protect children in danger.</p> <p>Regarding initial training:</p> <ul style="list-style-type: none"> - The initial and ongoing training of national education staff in the field of child protection is regulated. Implemented at the national, academic and departmental levels, it is adapted to the duties and responsibilities of the professionals involved. Joint training between different professionals and institutions is encouraged.³³⁰ - Social workers, physicians and nurses have extensive initial training in child welfare. They are resource persons in schools and educational institutions. The knowledge and skills acquired will enable them to: assess a situation and make a diagnosis, design and carry out an assistance or care project, support a person or a group in accessing rights or carrying out care, work in a network and in partnership, provide expertise, intervene in training in their field of expertise, research and process professional and scientific data. Social workers, physicians and nurses are bound by professional secrecy under the conditions set out in the penal code. - Initial training of teachers, librarians and principal education advisers: The Professional competency framework for teaching and education professions (<i>Référentiel des compétences professionnelles des métiers du professorat et de l'éducation</i>) established by the Decree of July 1, 2013 on teacher training³³¹ provides for the acquisition of knowledge and skills aimed at acting as a responsible educator and in accordance with ethical principles: Give all students appropriate attention and support. Contribute to implementing cross-curricular
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³³⁰ France, [Education Code](#) (*Code de l'éducation*), Articles L. 542-1 and D. 542-1.

³³¹ France, [Professional competency framework for teaching and education professions](#) (*Référentiel des compétences professionnelles des métiers du professorat et de l'éducation*)(2013).

		<p>education, in particular health education. Contribute to ensuring the well-being, safety and security of pupils, preventing and managing school violence, identifying any form of exclusion or discrimination, as well as any sign that could indicate situations of great social difficulty or abuse.</p> <p>- Initial training for school leaders and principals: the statutory training³³² for school principals provides for proficiency in the theoretical and practical knowledge needed to exercise their responsibilities to manage the school and in particular to set up care and teaching conditions favourable to the success of all pupils, ensure the safety of the latter within the school and its environment, initiate and lead pedagogical and educational policy, and organise the institutional partnership. The initial training of primary school principals has been strengthened as part of the new principal's job description,³³³ by the Order of 28-11-2014 and Circular No. 2014-164 of 1-12-2014. In particular, this training includes knowledge of child protection.</p> <p>As regards ongoing education, the framework and procedures for ongoing education are differentiated according to the professions involved:</p> <p>- Inspectors, supervisory and management staff, and social and health advisers benefit from training modules at the <i>Institut des hautes études de l'éducation et de la formation</i>,³³⁴ some of which are organised within the framework of the Public service network of schools.</p> <p>- Awareness-raising and training of secondary school teachers, educational and referral staff are provided for in academic training plans. For primary school teachers and staff of the networks for helping pupils in difficulty (<i>réseaux d'aide aux élèves en difficultés</i> - RASED), the modules are set up as part of the departmental training plan.</p> <p>- The knowledge of social and health staff is updated within the framework of specific modules implemented in the national and academic plans for ongoing training and employment retraining.</p>
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³³² France, see the Ministry of National Education and Youth's [website](#).

³³³ France, see the Ministry of National Education and Youth's [website](#).

³³⁴ France, see the Institute's [website](#).

		<p>As far as law enforcement agencies are concerned, all police officers, as part of their initial and ongoing training, are trained to care for victims, and can specialise (via modules) in intra-family violence, children, elder abuse, etc. Initial training within the gendarmerie also includes information on how to deal with people, especially women and child victims.</p> <p>As far as judges and prosecutors are concerned, the "juvenile court judge" function is one of the 8 fundamental functions that the initial training aims to prepare future judges and prosecutors for. Various components of the National School of Magistrature (<i>École nationale de la magistrature</i> - ENM) initial training programme address children's rights and professional practices. Mandatory internships in law firms and courts are also designed to train future judges and prosecutors in direct contact with children.</p> <p>Initial training is mandatory for all these professionals. However, while the professionals have a yearly obligation to follow ongoing training courses, the number of days of training depends on the body to which they report, and the choice of courses is unrestricted from a catalogue of proposed ongoing training courses.</p> <p>Regarding the funding allocated to these initial or ongoing training courses, it was not possible to find financial data on training, either in the Court of Auditors report, or at the DREES level, or within the departments that are responsible for implementing the policies.</p> <p>According to the Court of Auditors³³⁵, the departmental child protection observatories have been required to draw up annual assessments of training since the law of 14 March 2016. But this obligation is often disregarded. In the absence of reports from the departments, it is impossible to know what portion of their budgets they allocate to training, whether for professionals in the sector but also for all professions likely to be involved in identifying children at risk. For the latter, moreover, the Court of Auditors indicates that the legal obligations in terms of training are often disregarded³³⁶.</p>
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³³⁵ France, Court of Auditors (*Cour des comptes*), [Child protection. A time-inappropriate policy for children](#), November 2020

³³⁶ France, Court of Auditors (*Cour des comptes*), [Child protection. A time-inappropriate policy for children](#), November 2020

<p>3.2.6. Are child rights and child protection topics included in the curriculum of studies for professionals other than social workers and psychologists involved in child protection systems? (Please include information regarding law enforcement officials, judges, prosecutors, lawyers, health, and education personnel)</p> <p><u>If yes</u>, please describe briefly.</p>	<p>X</p>	<p>There is no general training in children's rights and child protection for these staff from other sectors, but rather a set of training modules and internships focused on the relevant aspects of their respective duties to enable them to learn about child protection.</p> <p>Regarding law enforcement: as part of their initial and ongoing training, all police officers are trained care for victims, and can specialise (via modules) in intra-family violence, children, elder abuse, etc. Initial training within the gendarmerie also includes information on how to deal with people, especially women and child victims.</p> <p>As regards judges and prosecutors: the "juvenile court judge" function is one of the 8 fundamental functions that the initial training aims to prepare future judges and prosecutors for. Various components of the National School of Magistrature (<i>École nationale de la magistrature</i> - ENM) initial training programme address children's rights and professional practices. Mandatory internships in law firms and courts are also designed to train future judges and prosecutors in direct contact with children.</p> <p>In addition, the change of function for the Public Prosecutor's Office covers the subject of minors during a one-day training session, including the topics of educational assistance and minor victims. The specific training course for the public prosecutor's office for children also covers educational assistance, as well as the section devoted to cyberbullying, online hate and cybercrime. ⁽³³⁷⁾</p> <p>For lawyers, training is decentralised and there are <u>no</u> mandatory modules on children's rights and child protection, but the curriculum includes a 6-month internship period during which relevant experience can be gained. Lawyers may be required to undergo initial and ongoing training in order to join a specialised group within their local bar association or NGOs of specialised lawyers. Training may involve partnerships with victim assistance NGOs.</p>
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³³⁷ [Catalogue FC 2024 BD.pdf](#)

		<p>With regard to healthcare professionals, within the framework of the PEGASE programme³³⁸ and the Coordinated care path for protected children and adolescents ("<i>Parcours de soins coordonné des enfants et adolescents protégés</i>") programme,³³⁹ training for caregivers is included in both programmes. The training of "PEGASE" professionals includes four independent, complementary modules on PEGASE's operating principles, on the practices implemented in the programme (in particular the carrying out of assessments, the use of the information system, the organisation of care), on the optimisation of care and the relevance of care according to the difficulties identified in the child or in their environment (attachment disorders, pregnancy denial, post-traumatic disorders, management of bonds with parents, developmental delays, etc.) and on the issues of child abuse and child protection.³⁴⁰ Within the "Protected Health" framework, volunteer doctors, who may work in the private or public sector, sign a contract with the programme's coordinating structure, in which they undertake to undergo initial and then ongoing training in the specific needs of children and adolescents in terms of child protection, in the clinic for violence against juveniles and in its consequences on health.³⁴¹</p> <p>For national education staff, there are many initial and ongoing training courses in child protection for staff.³⁴²</p> <p>In its Concluding Observations for France in 2016, the UN Committee on children's rights welcomed "the efforts undertaken by the State party to disseminate the text of the Convention and to conduct awareness-raising and training activities regarding its provisions, but remains concerned that children, the general public and public authorities are not well aware of the Convention and its content. It also notes with concern that most children do not receive</p>
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³³⁸ France, [Order on the experimentation of a standardised health protocol applied to children who have benefited before the age of 5 from a child protection measure](#) (*Arrêté du relatif à l'expérimentation d'un protocole de santé standardisé appliqué aux enfants ayant bénéficié avant l'âge de cinq ans d'une mesure de protection de l'enfance*), 19 July 2019.

³³⁹ France, [Order amending the order of November 28, 2019, on the experimentation for a coordinated care path for protected children and adolescents](#) (*Arrêté modifiant l'arrêté du 28 novembre 2019 relatif à l'expérimentation pour un parcours de soins coordonné des enfants et adolescents protégés*), 21 December 2021.

³⁴⁰ France, see the "Pegasus" programme [website](#).

³⁴¹ France, ONPE, [The Health of protected children](#) (*La santé des enfants protégés*). Sixteenth report to government and parliament, July 2022, p. 38.

³⁴² France, see the Ministry of National Education and Youth's [website](#).

		<p>thorough information about their rights". The Committee recommended that the authorities should make awareness of the Convention in schools mandatory, ensure that teachers are properly trained in this regard, and systematically conduct national education campaigns. It also recommends them to disseminate the Convention text as widely as possible among children and professionals working for and with children".³⁴³</p>
<p>3.2.7. Are there <u>joint training activities</u> involving professionals and personnel from various disciplines in place?</p> <p>Please provide some examples.</p>	<p>X</p>	<p>The law of March 5, 2007 reforming child protection sets out the obligation of initial and ongoing training, in part common to all professions (doctors, paramedics, social workers, teachers, sports, cultural and leisure activities staff, police, gendarmerie) and institutions, in the field of child protection.</p> <p>In practice, implementing inter-institutional training courses bringing together the professionals working in the same area aims to promote their mutual knowledge, their coordination and the implementing of partnership projects in the area involved. The general framework of the shared sessions, their aims, and their implementation and assessment procedures are the subject of agreements between all the institutions, services and organisations involved. For example, there is a training course on "judicial treatment of shaken baby syndrome" course, in which child protection professionals, doctors, magistrates, police officers and gendarmes are trained together. To this can be added the session on human trafficking and procuring, which provides joint training for magistrates, PJJ educators, police officers and gendarmes in particular. ⁽³⁴⁴⁾</p> <p>However, the Ministry of Families and Children and Women's Rights (<i>ministère des familles et de l'enfance et du droit des femmes</i>), in its 2017 report,³⁴⁵ felt that there was a lack of</p>

³⁴³ Committee on children's rights, [Concluding observations on the fifth periodic report for France](#), 23 February 2016.

³⁴⁴ [Catalogue FC 2024 BD.pdf](#)

³⁴⁵ France, Ministry of Families, Children and Women's Rights (*Ministère des Familles, de l'Enfance et du Droit des femmes*), 2017 Report.

		<p>multidisciplinary and inter-institutional cooperation and training.</p> <p>In its last yearly activity report, the National Council for Child Protection insisted on the "need for multidisciplinary teams with qualifications appropriate to needs (social, educational, psychological, budgetary)".³⁴⁶</p> <p>In this respect, the CNPE noted some good practices, such as the tripartite agreement between the departmental council of Guadeloupe, the public mental health institution and the territorial directorate of the Judicial Youth Protection for the mental health of adolescents, which led to the creation of a multidisciplinary partnership between the institutions involved for the purpose of training and promoting cross-disciplinary analyses of complex situations.</p> <p>In addition, the ongoing training of magistrates who specialise in children (juvenile court judges and prosecutors responsible for juveniles) is a multidisciplinary training that provides practical tools in educational assistance and criminal justice, as well as knowledge of social sciences that are useful for exercising their duties.</p>
<p>3.2.8. Outline briefly the <u>main challenges and/ or gaps relating to human resources, qualification requirements and training</u> underlined the relevant authorities and/ or child protection civil society organisations.</p>		<p>Child protection is largely outsourced, since most field services related to child protection are provided by private organisations - very often associations - through calls for projects.</p> <p>Certain changes have been observed in the sector, with a greater concentration of operators (the operating associations/foundations are becoming larger and more specialised) and greater inter-associative cooperation to promote synergies.</p> <p>While these changes are encouraged for reasons of efficiency and sharing of human and budgetary resources, they are not without problems due to the lack of certification, standardised criteria for staff qualifications and access to high quality, interdisciplinary training, which is still considered insufficient.</p>

³⁴⁶ France, CNPE, [Annual Report 2019-2020](#).

3.3. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection capacities in the past 8 years, incl. achievements and (persisting) gaps and challenges

The law of February 7, 2022 on child protection³⁴⁷ made substantial changes to the legislative framework established by the law of March 5, 2007 reforming child protection,³⁴⁸ providing a better definition of the remit of child protection actors and promoting better coordination between them.

Resources have increased slightly since 2014, but have remained stable in terms of the share in the state and departmental budgets. However, the needs have greatly increased in recent years, especially for the care of unaccompanied minors. As a result, child protection capacity seems insufficient to meet the increase in these needs, at least in some territories, such as Mayotte and some departments in metropolitan France. In spite of a strong territorial disparity, it appears that the insufficient number of ASE educators, overloaded with work, in completely saturated services, are regularly pointed out.

From an institutional perspective, it is also emphasized that there is a lack of supervision, which makes it difficult to implement legislative steps forward locally.³⁴⁹ The importance of associative support for child protection measures also leads to uncertainties due to the lack of clarity in the legal framework, as some child protection duties are not carried out by public service delegations, nor are they simply services provided by private actors. Associations therefore remain, by virtue of associational freedom and entrepreneurial freedom, in control of most decisions.

3.4. Promising practices

Please list and briefly describe any promising practice in child protection capacities that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

Most of the operators in the child protection system are civil society actors. The changes in the sector, providing for greater concentration and specialisation of operators, are accompanied by better inter-associative cooperation. In a context of limited resources in the face of growing needs, these structural effects and the sharing of human and operational resources are necessary.

The associative framework set by the 1901 law on freedom of association also provides for great flexibility in rapidly setting up original, relevant initiatives in the territories in which they are deployed.

In this context, efforts to better train staff, with an emphasis on interdisciplinarity, are a step forward in providing more comprehensive care of the child's needs and more support for parents in their relationship with the child. In this respect, mention can be made of the construction of a label and a charter for parenting centers by the *Aire de famille* association,³⁵⁰ or the construction of a reference framework for assessing and strengthening parenting skills.³⁵¹

At national level, awareness-raising activities on violations of children's rights, denunciation of forced labour and sexual exploitation of children, such as the work of the Independent Commission on incest

³⁴⁷ France, [Law No. 2022-140 on child protection](#) (*Loi No. 2022-140 relative a la protection des enfants*), 7 February 2022.

³⁴⁸ France, [Law No. 2007-293 reforming child protection](#) (*Loi No. 2007-293 reformant la protection de l'enfance*), Article 27, 5 March 2007.

³⁴⁹ France, Court of Auditors (*Cour des comptes*), [Child protection. A time-inappropriate policy for children](#), November 2020.

³⁵⁰ France, see the *Aire de Famille* association's [website](#).

³⁵¹ France, see the [website](#) of the Rhône-Alpes regional center for studies, actions and information (*Centre régional d'études, d'actions et d'informations Rhône-Alpes*).

and sexual abuse of children,³⁵² echoing the work of the Commission on sexual abuse in the church,³⁵³ are helping to lift taboos.

³⁵² France, see the Independent Commission's [website](#).

³⁵³ France, see the Independent Commission's [website](#).

4. Care

4.1. Prevention measures and services

4.1.1. Please provide information on the interaction between the child protection system and the social welfare and social protection system in place. Is there an inherent coordination of measures and interventions? Are responsible authorities and service providers the same or different?

The child welfare system and the social welfare system are closely linked. They both fall under the jurisdiction of the Departmental Council (*Conseil départemental*), are governed by the Social Action and Family Code (*Code de l'action sociale et des familles*) and are part of social work.

Child protection is often judicial or legal (fight against violence, sexual abuse, removal of children from their family environment) and educational (care of children by educators), and also uses social protection mechanisms:

- Financial support for families (in the form of monthly allowances and assistance, which are subsidiary to potential common law aid);
- Intervention of social workers (practical help and daily organisation of family life, access to rights);
- Maternal and child protection (access to care, health).

Reference should be made to the principle of subsidiarity of judicial intervention in relation to administrative intervention.

The principle of subsidiarity organizes the articulation between administrative and judicial intervention. Public intervention in child protection is subsidiary to parental intervention and judicial intervention is subsidiary to administrative intervention.

Some child protection mechanisms, such as the National fund for the financing of child protection (FNPE), are financed by the social security budget (Social security financing law).

The State-funded family benefits fund (*Caisse nationale d'allocations familiales* - CNAF) is the provider of social welfare and child protection services.

Social workers and child welfare professionals work closely together.

4.1.2. Is there evidence that families are supported in their role of primary caregivers? Is the primary position of families in child caregiving and protection recognised and supported through universal and targeted services and through every stage of the intervention, particularly through prevention? Which type of support (incl. financial, medical, psycho/social advice, legal advice, care staff, care equipment, guidance and training etc.) is available to families in need.

There are many indications that families are clearly supported in their role as primary educators, as emphasized in the National child protection strategy,³⁵⁴ to be taken into account with the contribution of many actors:³⁵⁵

- The support needs of parents of children in child protection care to prepare for the future of their relationship and/or to find their place in the system, and to work on the connection with the child.
- Parenting centres, recognised by the Law of 14 March 2016 on the protection of children, are facilities or services that accommodate, under child protection, the child born or unborn with both

³⁵⁴ France, [National child protection and prevention strategy](#) (*Stratégie nationale de prévention et de protection de l'enfance*), 2020-2022.

³⁵⁵ In France, the supervision is carried out by contract between the State and the departments, and the actors involved are of various kinds: prefects, CAF, UDAF, departmental councils, child protection associations and institutions, family assistants.

parents who plan to raise the child together.³⁵⁶ However, many existing centres remain maternal centres and do not yet fully include the father's place in the family.

The Child welfare system (ASE) states that its objective is to keep juveniles in their usual environment wherever possible and it makes use of several initiatives to promote this (setting up a label and a charter for parenting centers, developing an assessment reference system, etc.). Article 375-3 of the Civil Code, amended by the Act of 7 February 2022, reinforces the priority given to fostering children by a family member or trusted third party over fostering them in an institution³⁵⁷.

The ASE website was updated on December 30, 2022 to reflect the procedures for supporting families in need provided by ASE³⁵⁸: prevention of at-risk situations³⁵⁹, financial aid³⁶⁰, social and family support³⁶¹, in addition to educational actions at home (*actions éducatives à domicile* - AED) or in an open environment (AEMO) which involve the intervention of an educator at home with the child and their parents³⁶².

4.1.3. When a child in need of care is identified, who coordinates support to the family and the child to ensure protection and prevent abuse and/ or placement of the child and how?

Each department has a unit for collecting information of concern (*cellule de recueil des informations préoccupantes*, CRIP), which receives information of concern, assesses it and, depending on the outcome of the assessment, may propose that protection measures be put in place.

When a child in need of care is identified, the Child welfare system (*Aide Sociale à l'Enfance* -ASE) is responsible for implementing preventive and placement measures. Prevention can be organised around three main lines of action: perinatal prevention, prevention of educational difficulties for parents and prevention for children and adolescents.

The law of February 7, 2022 on child protection³⁶³ made changes to the law of March 5, 2007 reforming child protection³⁶⁴ with a view to better organising coordination. In particular, it introduces an Article L. 221-2-6 in the Social Action and Family Code³⁶⁵ specifying that the president of the departmental council (*conseil départemental*) is responsible for appointing one or more sponsors or mentors for the child taken in by the Child welfare system (ASE).

The judicial authority intervenes in the following cases: impossibility of assessing the danger, administrative protection proves insufficient, the family does not agree to the measure, in the event of serious and immediate danger (art L. 226-4 of the CASF).

4.1.4. What are the crisis emergency responses in place?

³⁵⁶ In France, these parenting centers, mainly financed by the Child welfare system (*Aide Sociale à l'Enfance*), aim to protect the baby's initial bonds of attachment and to confirm both parents as the primary actors in the child's protection.

³⁵⁷ France, Civil code (code civil), [Article 375-3](#).

³⁵⁸ France, see presentation [website](#).

³⁵⁹ In France, by way of these preventive actions, the ASE collects and sends information of concern, for example.

³⁶⁰ Financial aid is intended to prevent financial difficulties from further deteriorating the family situation.

³⁶¹ The ASE can put families with educational and social difficulties in touch with a Social and family intervention technician (*Technicien de l'Intervention Sociale et Familiale*).

³⁶² Educational actions at home (AED) are set up at parents' request or with their agreement; educational actions in an open environment (AEMO) are decided on by the juvenile court judge and the parents cannot refuse to submit to it.

³⁶³ France, [Law No. 2022-140 on child protection](#) (*Loi No. 2022-140 relative à la protection des enfants*), 7 February 2022.

³⁶⁴ France, [Law No. 2007-293 reforming child protection](#) (*Loi No. 2007-293 reformant la protection de l'enfance*), Article 27, 5 March 2007.

³⁶⁵ France, Social Action and Family Code (*Code de l'action sociale et des familles*), Article [L. 221-2-6](#).

In the event of immediate danger following a serious crisis situation, the Child welfare system (ASE) provides emergency accommodation for young juveniles as quickly as possible (within 24 hours). The facilities are spread throughout the department in order to promote proximity between the placement setting and the family home. Each facility has a 24-hour duty system.

In addition to the temporary placement of the child in emergency care, the public prosecutor is immediately notified of this decision by the Child welfare system (ASE).

The new Article L. 221-2-4 of the Social Action and Family Code,³⁶⁶ introduced by the law of February 7, 2022 relating to child protection³⁶⁷ specifies in this respect that the president of the departmental council of the place where a person declaring themselves to be a juvenile and temporarily or permanently deprived of the protection of their family is located must provide temporary emergency care.

Child protection is decentralized and falls under department responsibility. The Worrying Information Collection Units (CRIP) attached to the departments of Childhood Social Assistance (ASE) in the departments receive worrying information in two ways:

- Information sent by medico-social services which have not found a response to the problems with the consent of the parents
- And information collected by the national telephone number for children in danger (119 Allô Enfance en Danger). If the listener considers that there is a danger or a risk of danger, they write a report which they transfer to a coordinator who in turn sends it to the CRIP of the department. The CRIP studies the worrying information and requests intervention from the family of social workers, doctors from maternal and child protection centres, etc. If the listener considers that there is an imminent danger requiring immediate shelter, they contact the emergency response services for intervention (and inform the CRIP).

The CRIP sends a report to the Public Prosecutor's Office if:

- It considers that the child is in danger within the meaning of Article 375 of the Civil Code.³⁶⁸
- And if the conditions of Article 226-4 of the CASF are met: The child has already been the subject of one or more child welfare benefits which have not made it possible to remedy the situation, or the child has not yet been the subject of child welfare benefits and the family refuses the benefits or is unable to cooperate with the support services, and the danger is serious and immediate (especially in situations of abuse).

To fully understand the relationship between Child welfare system and the Public Prosecutor, the 2020 Departmental Plan for the Prevention and Protection of Children for the Department of Paris specifies: "*The action of the departmental child welfare services is implemented in close collaboration with institutional partners, in particular, the justice system (Children's Court of the High Court, Juvenile Public Prosecutor's Office at the Grande Instance, Territorial Directorate for the Judicial Protection of Youth (DDPJJ) of Paris), the police services including the Brigade for the Protection of Minors (...)*"³⁶⁹.

4.2. Identification and reporting procedures

Question	Yes	No	Comments
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³⁶⁶ France, Social Action and Family Code (*Code de l'action sociale et des familles*), Article [L. 221-2-4](#).

³⁶⁷ France, [Law No. 2022-140 on child protection](#) (*Loi No. 2022-140 relative a la protection des enfants*), 7 February 2022.

³⁶⁸ "If the health, safety or morality of an unemancipated minor are in danger, or if the conditions of their education or their physical, emotional, intellectual and social development are seriously compromised"

³⁶⁹ Prevention and children's protection, [Paris city website](#).

<p>4.2.1. Is there an identification/reporting obligation foreseen in the legislation?</p> <p><u>If yes</u>, please provide the relevant provisions and indicate authorities and/or individuals that have identification/reporting obligations.</p>	<p>X</p>	<p>The obligations to report a situation of danger to a child relate to several professionals and their regimes are governed by several codes. When professional secrecy is involved, it must give way to the need to report.</p> <p>In cases of serious and imminent danger to a child, anyone is urged to contact the police, the gendarmerie, the fire brigade or the emergency services (SAMU).</p> <p>The penal code provides for and punishes offences of failure to prevent a crime and failure to provide assistance. These are not reporting obligations per se, but rather legal obligations to take action to prevent the committing of a crime or to rescue a person. These provisions may apply in cases of a professional who witnesses a situation of danger to a child.</p> <p>Article 223-6 of the Penal Code states that "anyone who can prevent by their immediate action, without risk to themselves or to third parties, either a crime or an offence against the physical integrity of the person, who voluntarily fails to do so may be punished by five years' imprisonment and a fine of 75,000 euros. Anyone who voluntarily fails to provide a person in danger with the assistance that, without risk to themselves or to third parties, they could have provided either by their personal action or by summoning help may be punished with the same penalties".³⁷⁰ The penalties are increased to seven years' imprisonment when the crime is committed against a juvenile 15 years old.</p> <p>This article does not provide for any exception for individuals who are bound by professional secrecy. The action that is required does not necessarily imply a breach of professional secrecy, but in all cases the obligation to help takes precedence over professional secrecy.</p> <p>The Ministry of Justice's directorate of criminal affairs and pardons (<i>direction des affaires criminelles et des grâces</i> - DACG) emphasises in its guide on the taking care of juvenile victims that it is not acceptable for an individual who is bound by professional secrecy to allow a crime to be repeated. Such an individual must thus necessarily</p>
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³⁷⁰ France, Penal code (*Code penal*), [Article 223-6](#).

		<p>take steps to stop the crime or prevent its recurrence".³⁷¹</p> <p>Article 434-3 of the Penal Code also provides for a general obligation to report cases of abuse or sexual assault or molestation of juveniles, failure to comply with which is punishable by three years' imprisonment and a fine of 45,000 euros. Penalties are increased to 5 years' imprisonment and a fine of 75,000 euros when the failure to provide information is committed to the detriment of a minor aged under 15.³⁷² The article provides an exception for individuals bound by professional secrecy under the conditions provided for in Article 226-13 of the Penal Code.</p> <p>The breach of professional secrecy is an offence provided for and punishable under Article 226-13 of the Penal Code.³⁷³ It is punishable by 1 year's imprisonment and a fine of 15,000 euros.</p> <p>However, Article 226-14 of the penal code³⁷⁴ provides for two exceptions to the implementation of Article 226-13 when the victim of the alleged offence is a juvenile:</p> <ul style="list-style-type: none"> - When a person subject to professional secrecy informs the judicial, medical or administrative authorities of deprivation or abuse, including sexual abuse or mutilation, of which they have knowledge and which has been inflicted on a juvenile. - When a doctor or any other health professional brings to the attention of the public prosecutor or the unit for the collection, processing and assessment of information regarding juveniles in danger or at risk of being in danger, the abuse or deprivation that they are observed, physically or psychologically, in exercising their profession and which allows them to presume that physical, sexual or psychological violence of any kind has been committed against the juvenile (in this case, the juvenile's consent is not necessary). <p>Article 40 of the Criminal Procedure Code (<i>code de procédure pénale</i>)³⁷⁵ makes the reporting of felonies and misdemeanours a duty for public officials. The effect of this article is to require the reporting by public officials of felonies or misdemeanours committed against children they</p>
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³⁷¹ France, Ministry of Justice (*Ministère de la justice*), Guide relative to the care of juvenile victims, September 2015.

³⁷² France, Penal code (*Code pénal*), [Article 434-3](#).

³⁷³ France, Penal code (*Code pénal*), [Article 226-13](#).

³⁷⁴ France, Penal code (*Code pénal*), [Article 226-14](#).

³⁷⁵ France, Criminal procedure code (*Code de procédure pénale*), [Article 40](#).

		<p>may have become aware of in the performance of their duties. Failure to comply with this article is not penalised³⁷⁶. They may be school or hospital physicians, but also national education officials, i.e. health and education professionals.</p> <p>Article 12-11 of the General public service code (<i>code général de la fonction publique</i>) provides that "public officials shall comply with the provisions of the second paragraph of Article 40 of the Criminal Procedure Code (<i>code de procédure pénale</i>) for any crime or offence which comes to their knowledge in performing their duties"³⁷⁷.</p> <p>Health professionals must also report directly to the CRIP in their department.</p> <p>As regards physicians:</p> <ul style="list-style-type: none"> - Physician reporting is governed by Articles 43 and 44 of the Code of Medical Ethics³⁷⁸ (Articles R. 4127-43 and R. 4127-44 of the Public Health Code)³⁷⁹. The lifting of professional secrecy is authorised by Article 226-14 of the penal code. - Doctors can send information of concern using the model³⁸⁰ developed by the National council of the order of physicians (<i>Conseil national de l'Ordre des médecins</i>), the French society of forensic paediatrics (<i>Société française de pédiatrie médico-légale</i>), the National Observatory for Child Protection (<i>Observatoire national de la protection de l'enfance</i>) and the referral doctors for child protection³⁸¹. - The French National Authority for Health has prepared a memo sheet³⁸² to help health professionals identify child abuse and indicate the steps to be taken. This sheet is intended for "all health professionals in a situation of clinical observation of the child" (general practitioners, paediatricians, psychiatrists, doctors and nursery nurses of the <i>Protection maternelle et infantile</i>, school doctors and nurses, midwives, etc.). <p>As regards education professionals:</p> <ul style="list-style-type: none"> - The Social Action and Family Code (<i>Code de l'action sociale et des familles</i> - CASF) defines the
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³⁷⁶ France, Court of Cassation (*Court de cassation*), [Decision No. 91-82.456](#), 13 October 1992.

³⁷⁷ France, Public Service Code (*Code général de la fonction publique*), [Article L. 12-11](#). In principle, public servants do not need to seek authorisation from their superior, but the hierarchical principle would require at least that the superior be informed. See G. Chalon, "Article 40 of the Criminal Procedure Code (*code de procédure pénale*) tested against the general status of the public service", *AJFP*, 2004, p. 27.

³⁷⁸ France, [Code of medical ethics](#) (*Code de déontologie médicale*), Articles 43 and 44. For a [comment](#), see the website of the French Medical Association (*Conseil national de l'Ordre des médecins*).

³⁷⁹ France, [Public health Code](#) (*Code de la santé publique*), Articles L. 4127-43 and R. 4127-44.

³⁸⁰ France, see the [website](#) of the French Medical Association (*Conseil national de l'Ordre des médecins*).

³⁸¹ France, see the [website](#) of the French Medical Association (*Conseil national de l'Ordre des médecins*).

³⁸² France, see the French National Authority for Health's [website](#).

		<p>system for collecting information of concern in Articles L. 226-1 to L. 226-12-1³⁸³ and D. 226-2-2 to D. 226-2-9.³⁸⁴</p> <ul style="list-style-type: none"> - Article 226-2-1 of the Social Action and Family Code (CASF) states that these individuals must send any information of concern about a juvenile in danger or at risk of being in danger to the president of the departmental council or to the person responsible appointed by them in order to determine "the protection and assistance actions from which this juvenile may benefit".³⁸⁵ - Information of concern protected by professional secrecy must be sent in accordance with Article 226-2-2 of the Social Action and Family Code (CASF), which states that "individual subject to professional secrecy who implement child protection policy (...) or who provide assistance to it are authorised to share secret information with each other in order to assess an individual situation, and to determine and implement the protection and assistance actions from which juveniles and their families may benefit. The sharing of information about an individual situation is strictly limited to what is necessary to accomplish the child protection mission. The father, the mother, any other person exercising parental authority, the guardian, and the child according to their age and maturity shall be informed in advance and appropriately, unless such information is contrary to the child's interests".³⁸⁶ - Disciplinary action may be taken in the event of failure to comply with these obligations. - The Criminal Division of the Court of Cassation (Cour de cassation) ruled in 1997³⁸⁷ that the professional secrecy imposed on the members of an educational service regarding the situation of a minor entrusted to it cannot be invoked against the juvenile court judge, to whom they are required to report on the minor's progress and in particular on any abuse or neglect.
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4.2.2. Please describe available national and/or sub-national reporting procedures for cases of abuse, exploitation, violence, harassment, discrimination, or neglect against children in all available reporting mechanisms, including, helplines and hotlines. Include the legislative and

³⁸³ France, Social Action and Family Code (*Code de l'action sociale et des familles*), Article [L. 226-1](#).

³⁸⁴ France, Social Action and Family Code (*Code de l'action sociale et des familles*), Articles [D. 226-2-2 to D. 226-2-9](#).

³⁸⁵ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 226-2-1](#).

³⁸⁶ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 226-2-2](#).

³⁸⁷ France, Court of Cassation (*Court de cassation*), [Decision No. 94-84.801](#), 8 October 1997.

regulatory framework, actors involved (e.g. police, child protection centres, victims support organisations), and timeframe.

Please provide details such as if there are common or different procedures or helplines/hotlines for specific issues. What is the profession of the staff receiving the reporting? Is the staff competent and trained for the purpose?

Any person confronted with a situation of danger for a child can call the number 119 (*Allô enfance en danger*).³⁸⁸ A number is also available to call from abroad to find out about the situation of a child residing in France, and a chat room reserved for juveniles under 21 years of age is available on the website for those who cannot/do not want to call. The 119 number can also redirect callers to more appropriate numbers depending on the problem.

The activity report for the 119 number published in May 2022 for the year 2021³⁸⁹ indicates that out of 405,920 incoming calls, 34,902 were handled. Of the 34,902 calls handled, 16,894 situations resulted in immediate assistance³⁹⁰ and 18,008 provided information of concern.³⁹¹

Anyone can also contact the Child welfare system (ASE) departments directly or the department's Unit for the collection of information of concern (*Cellule de recueil des informations préoccupantes* - CRIP).

Since 2007, each department has had a Unit for the collection of information of concern (CRIP) reporting to the Child welfare system (ASE). CRIPs are the main contacts for reporting situations of children in danger. Alerts and information are centralised in this service.

The role of the Unit for the collection of information of concern (CRIP) is to filter and orientate situations according to their qualification and the resulting regime (judicial authority or president of the departmental council for care by the Child welfare system (ASE)).³⁹²

The Social Action and Family Code (CASF) sets out reporting obligations for those responsible for implementing child protection policy and those who assist with it, even if they are bound by professional secrecy.

The sanction system for violation to report the danger for a child:

For individuals, the sanctions in the event of the obligation to report a danger to a child come under criminal law (omission to prevent an offense or omission to reveal to the judicial or administrative authorities ill-treatment, aggression or sexual abuse of a minor).

For civil servants, failure to comply with the obligation to report crimes and misdemeanors of which they become aware in the exercise of their functions (Article 40 of the code of criminal procedure) is not penalized.

For doctors, the obligation to report comes under the code of medical ethics as well as the penal code: doctors are subject to medical secrecy but are exempted from it when they notice physical or psychological abuse or deprivation which allows them to presume that physical, sexual or psychological violence of any kind has been committed against a minor. Doctors who do not comply with this obligation therefore incur a 3-year prison sentence and a fine of 45,000 euros.

In addition to 119, the following lines should be listed:

³⁸⁸ France, see 119 number on the [website](#).

³⁸⁹ France, Allo119 (2022), [2021 Activity Report](#).

³⁹⁰ Immediate help: response to a request for advice, support, guidance, information from those listening (definition provided in the activity report).

³⁹¹ Information of concern: request relating to a situation of a child in danger or at risk of danger, the report of which is sent to the CRIP of the department(s) in question (definition provided in the activity report).

³⁹² France, see for a [description of the mechanism](#).

- Missing children: 116 000
- Harassment at school: 30 20
- Allo Parents en crise: 0 805 382 300
- Sexual and gender-based violence: 3919
- Digital violence: 30 18

The listening team comprises 45 professionals with complementary backgrounds: psychologists, lawyers and social workers. These professionals, all trained in helping relationships, know about pathologies related to child abuse, know how institutional, administrative and judicial wheels turn and know about departmental social services. Their primary role is to listen to users and assess calls through their content. The professionals responsible for hearing what children have to say about violations of their rights and abuses are specifically trained.

Question	Yes	No	Comments
<p>4.2.3. Do children have the right to report independently?</p> <p><u>If yes</u>, please provide information on the availability of <u>age-appropriate and child-friendly</u> reporting procedures (to whom and how children can report child rights' violations and abuse). Is the anonymity and confidentiality of the child in the reporting protected? Please comment briefly.</p>	X		<p>Children have the right to file a complaint by sending a letter to the Prosecutor, using the online pre-complaint service, or going alone or accompanied to a police station or gendarmerie. Children can also report their situation directly to a juvenile court judge for judicial protection.</p> <p>The Court of Cassation has had occasion to point out that the juvenile may themselves refer the matter to the juvenile court judge to ask them to order measures; they may also appeal against the judge's decisions and choose a lawyer. It is only incumbent on trial judges to make sure that they have sufficient discernment to exercise these prerogatives.³⁹³</p> <p>Children can also refer directly to the Defender of Rights (<i>Défenseur des droits</i>).</p> <p>Children can also call 119, the national child in danger hotline³⁹⁴ to report any problems. In order to promote its dissemination, Article L. 226-8 of the Social Action and Family Code (<i>code de l'action sociale et des familles</i>)³⁹⁵ provides for the posting of the telephone number of the helpline in all institutions and services that take care of children. Created in 1989, the hotline has been known as 119 since March 1997. The hotline is free of charge and offers guarantees of confidentiality (for example, the number does not appear on the telephone bill). This hotline has two main roles: a prevention and protection role and a submission role (see 2.1.3).</p>

³⁹³ France, Court of Cassation (Court de cassation), [Decision No. 94-05.102](#), 21 November 1995

³⁹⁴ France, see SNATED [website](#).

³⁹⁵ France, Social Action and Family Code (*Code de l'action sociale et des familles*), Article [L. 226-8](#). [.

			<p>The applicable procedures are adapted to the age of the children and the guarantees of anonymity and confidentiality of discussions appear to be sufficient.</p>
<p>4.2.4. Are children informed of their right to report and how they can do it? If yes, by whom and how?</p>	?	?	<p>The Education Code (<i>code de l'éducation</i>) requires a yearly briefing on child abuse, in particular domestic sexual abuse, for every child in primary and secondary schools.³⁹⁶ The Ministry of Education website states the need for members of the educational community "<i>to inform children about the child welfare system, and empower them to prevent abuse, and seek help</i>".</p> <p>A guide³⁹⁷ aimed at identifying and supporting children who may be victims of abuse is available on the Eduscol website, which includes tools for the educational community.</p> <p>This guide was developed by the Ministry of National Education in partnership with the ministries and administrations concerned, in particular, the Judicial Protection of Youth and Child welfare system (<i>Aide sociale à l'enfance – ASE</i>).</p> <p>The guide to juvenile justice³⁹⁸, published by the Ministry of Justice, describes how French law deals with minors, with specific procedures and specialist players. It explains, in an entertaining way, how the French justice system works, the procedures applicable to minors and the support to which they are entitled. It is aimed at professionals working in the field of child protection, as well as the general public.</p> <p>The child protection hotline shall be posted in all child care facilities. A website is devoted to this hotline.³⁹⁹</p> <p>In addition, some NGOs provide tools to inform children of their right to report abuse and assist them in doing so. The Defender of Rights' (<i>Défenseur des droits</i>) website also provides information in this regard.⁴⁰⁰</p> <p>Documentation adapted to child-friendly language is distributed in schools, leisure centres and on the website of the Defender of Rights. This</p>

³⁹⁶ France, Education Code (*Code de l'éducation*), [Article L. 312-16](#).

³⁹⁷ France, see the Ministry of National Education's [website](#).

³⁹⁸ France, see the Ministry of Justice's [website](#).

³⁹⁹ France, see 119 number on the [website](#).

⁴⁰⁰ France, see the Defender of Rights' (*Défenseur des droits*) [website](#).

documentation aims to inform children of their rights and the procedures for implementing them. Information in the form of games is also available on the Defender of Rights' website.⁴⁰¹

4.2.5. What are the main challenges and/or gaps relating to identification and reporting procedures underlined by relevant authorities and/or child protection civil society organisations?

The "information of concern" concept is still unclear,⁴⁰² despite guidance provided by ministries to help social workers and other professionals in contact with children better identify and report potential dangers.⁴⁰³ However, the widespread use of the HAS national reference framework for the overall assessment of the situation of children in danger or at risk of danger, provided for by the law of 7 February 2022, will make it possible to define a clear framework and provide professionals with a common tool for identifying and assessing danger.

The processing of this information should be based on better coordination of child protection actors in order to be more efficient. In this respect, the CNCDH, in an advisory report of May 26, 2020 on respect for privacy and family life in child protection, recommended "*in order to make the processing of information of concern and reports more fluid, enhanced coordination between those involved, including child protection associations, should be provided*".⁴⁰⁴

In this context, many voices have emphasized that it would be desirable to better explain the contours of professional secrecy⁴⁰⁵, and the conditions of its lifting⁴⁰⁶ in cases of suspicion of a situation of danger for the children monitored. It is also important to reassure people who make a report that the information they provide will be assessed by professionals in an interdisciplinary approach.

Finally, the yearly information session on child abuse for schools should be better defined and should be an opportunity to remind children of the ways in which they can report incidents they feel they are victims of.

4.3. Referral procedures(s) and investigation and protection

4.3.1. Please describe the referral mechanisms in place following reporting and identification procedures.

In the answer please include the legislative and regulatory framework, interagency protocols and guidelines, the actors involved and their role and responsibilities, as well as the applicable timeline. Please also specify the procedure, if different, for other groups of children (e.g. with disabilities, migrant, victim of a particular form of violence etc.)

The President of the Departmental Council (*Conseil départemental*) is the authority empowered to collect, process and assess information of concern regarding children in danger or at risk of being in danger, at any time and from any source.

⁴⁰¹ [Defender of rights website](#).

⁴⁰² France, S. Faurie and C. Beau, "[Psychologue et évaluation clinique dans le cadre de la prévention](#)", *Le Journal des psychologues*, 2008/9, pp. 37-41.

⁴⁰³ France, J. Deydier and M. Eymennier, "[Le recueil et le traitement de l'information préoccupante. Une posture nouvelle pour les conseils généraux](#)", *Les Cahiers dynamiques*, 2010/4, No. 49, p. 36-44.

⁴⁰⁴ France, CNCDH, [Avis "Respect for privacy and family life in child protection: a fundamental right that is difficult to ensure in an ailing system"](#) (*Le respect de la vie privée et familiale en protection de l'enfance : un droit fondamental difficilement assuré dans un dispositif en souffrance*), 26 May 2020.

⁴⁰⁵ France, *La Gazette des communes*, "[Professional secrecy and child protection](#)", 6 June 2011.

⁴⁰⁶ France, F. Charlent, "[Child protection as a limit to professional secrecy](#)", *Dalloz Actualité*, 1st July 2021.

In practice, the departmental services responsible for the assessment provide an interface with the Department's specific services (Maternal and child protection (PMI), Child welfare system (ASE), but also with the courts. They work with all professionals, including those from the National education system, hospitals, doctors, associations, the police and gendarmerie, local elected officials, etc. In addition, they are in contact with the 119 emergency number⁴⁰⁷ which sends information of concern.

After assessment, the CRIP can send a report to the Public Prosecutor. In the above-mentioned cases (defined in article L. 226-4 CASF), the public prosecutor receives the reports and may issue a provisional placement order, which is an order that cannot be appealed against and is valid for up to 8 days, and submit a request for educational assistance to the juvenile court judge. He therefore intervenes if administrative protection fails or in the event of serious and imminent danger. The juvenile court judge then takes within fifteen days measures for the judicial protection of the minor, and may also be contacted directly (by the minor, his parents, his guardian, or the person or service to whom he has been entrusted).

At the end of the investigation, the prosecutor may decide to refer the perpetrator to a court or to open a judicial inquiry if the facts are criminal or misdemeanours requiring further investigation. According to Article 706-49 of the Criminal Procedure Code (*code de procédure pénale*),⁴⁰⁸ the prosecutor is obliged to inform the juvenile court judge of all proceedings regarding child victims of several listed offences, including sexual offences.

Question	Yes	No	Comments
4.3.2. Are there applicable standards in the form of legal provisions, guidelines, protocols, interagency agreements or regulatory frameworks regarding investigation and assessment procedures following reporting and identification procedures?	X		<p>Article L. 226-3 of the CASF⁴⁰⁹ sets out that protocols are to be drawn up between the president of the departmental council, the representative of the State in the department, the concerned institutional partners and the judicial authority with a view to centralising the collection of information of concern within a unit for the collection, processing and assessment of such information.</p> <p>The legal provisions only refer to the forwarding of information of concern to the departmental services competent in this area, namely the units for the collection of information of concern (<i>cellules de recueil des informations préoccupantes</i> - CRIP) for assessment purposes.</p> <p>In the departments, protocols have been adopted between the Child welfare system (ASE), the maternal and child protection service (PMI) and the National education service, defining guidelines for assessing the situation of children after they have been reported.</p>

⁴⁰⁷ France, see 119 number on the [website](#).

⁴⁰⁸ France, Code of the criminal procedure code (*Code de procédure pénale*), [Article 706-46](#).

⁴⁰⁹ France, Code of social action and families (*Code de l'action sociale et des familles*), [Article L. 226-3](#).

4.3.3. Is the assessment carried out by a multidisciplinary team of professionals?	X	<p>In accordance with article L. 226-3 of the CASF⁴¹⁰, the assessment of a minor's situation on the basis of information of concern is carried out, with regard to the national reference framework for the assessment of situations of danger or risk of danger to children, by a multidisciplinary team of professionals identified and trained for this purpose. Pursuant to article D. 226-2-5⁴¹¹ of the CASF, the composition of this team is determined according to the minor's situation and the difficulties he or she encounters, and includes at least two professionals working in the fields of socio-educational action, social action, health or psychology who are, barring exceptions, different from those usually responsible for monitoring the family.</p> <p>The guidelines for the Units for the collection, processing and assessment of information (<i>Cellules départementales de recueil, de traitement et d'évaluation</i>) (CRIP) emphasize the need for a multidisciplinary assessment of information of concern.</p> <p>With regard to the actors involved in the operation of the departmental unit, the guide underlines that it is essential to have a permanent multidisciplinary and multi-institutional team with technical skills in the social, educational and medical fields.</p>
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4.3.4. Please provide information on who is responsible to investigate and assess the situation of the child and the family and how this is done. Please provide information and describe the role and responsibilities of judicial authorities in the reporting and referral procedure.

The assessment⁴¹² of the information of concern⁴¹³ received by the departmental council⁴¹⁴ is carried out within the CRIP.⁴¹⁵ This assessment is carried out by a multi-disciplinary team under the authority of the president of the departmental council within a maximum of three months from receipt of the information giving rise to concern. If the assessment reveals a situation of danger, it refers the matter to the judicial authority (D. 226-2-4 CASF).⁴¹⁶

⁴¹⁰ France, Code of social action and families (Code de l'action sociale et des familles), [Article L. 226-3](#).

⁴¹¹ France, Code of social action and families (Code de l'action sociale et des familles), [Article D. 226-2-5](#).

⁴¹² France, the CRIP conducts a first-level assessment, only to ascertain whether an immediate report to the prosecutor is required in view of the extreme seriousness of the situation. Afterwards, another, more in-depth assessment is carried out to decide what action should be taken. Regarding the criteria used for the assessment of the child's situation, both the administrative protection and judicial protection of the child refer to Article 375 of the Civil Code to define the child in danger or likely to be in danger (Art. 375 of the Civil Code ([link](#))). Administrative interventions are based on the same conditions since the legal framework explicitly refers to the same Article (Art. L. 226-2-1 of the Social Action and Family Code (*code de l'action sociale et des familles*) ([link](#))).

⁴¹³ Professionals working with the child (social workers, doctors, teachers, etc.) are involved in sharing information about the situation.

⁴¹⁴ The president of the Departmental Council (*Conseil départemental*) may also order a social assessment. However, the family can refuse it. In this case, the President of the Departmental Council (*Conseil départemental*) has to inform the Public Prosecutor.

⁴¹⁵ The Unit for the collection of information of concern (CRIP) is a departmental unit that is part of the Child welfare system (ASE) and is placed under the responsibility of the president of the departmental council (*conseil départemental*).

⁴¹⁶ France, Code of social action and families (Code de l'action sociale et des familles), [Article D. 226-2-4](#).

The intervention of the judiciary⁴¹⁷ is possible if "*the health, safety or morality of an unemancipated juvenile are in danger, or if the conditions of their education or physical, emotional, intellectual and social development are seriously compromised*".⁴¹⁸ The Prosecutor may refer the case to the President of the Departmental Council (*conseil départemental*) if the investigation does not allow them to consider that these considerations are met.

In an emergency, the Prosecutor may issue a provisional placement order.⁴¹⁹ The judge must then refer the matter within 8 days to the juvenile court judge, who will decide whether to extend the placement or implement other protective measures.

Other than in emergency situations, the Prosecutor will forward the file to the juvenile court judge who may order a judicial protection measure for the child. To this end, the judge may, on their own initiative or at the request of the prosecutor, order any measure providing information on the personality and living conditions of the child and their parents.⁴²⁰ Prior to the completion of the assessment, the judge may order any interim measure, including placement, if they consider this necessary.⁴²¹ In this case, the court must make a decision on the merits of the case within six months⁴²² of the order for interim relief.⁴²³ If not, the child is returned to their family.

Question	Yes	No	Comments
4.3.5. Are the roles and responsibilities of the various actors and professionals involved in these procedures (including civil society organisations) clearly stated in the legislative and regulatory framework?	X		<p>A chapter of the Social Action and Family Code (<i>Code de l'action sociale et des familles</i>) devoted to the "protection of juveniles in danger and the collection of information of concern"⁴²⁴ defines the respective responsibilities of the actors involved in the reporting procedures, and describes the reporting procedure and the referral mechanisms.</p> <p>Article L226-3 of the Social Action and Family Code (<i>Code de l'action sociale et des familles</i>)⁴²⁵ refers to departmental protocols between child protection actors to specify the methods for submitting serious information to the CRIP.</p>
4.3.6. Are there any inter-agency cooperation protocols and agreements in place to strengthen cooperation between actors with responsibility in the referral procedure and	X		<p>In its 2011 national survey on information of concern,⁴²⁶ the National Observatory for children in danger (now the National Observatory for Child Protection (ONPE)) emphasized the significant use of cooperation protocols by departments to strengthen information sharing among professionals. Thus, 88% of the departments had signed protocols with the French National</p>

⁴¹⁷ The prosecutor may refer a case to the departmental council president if there is insufficient evidence of danger after investigation. The departmental council (*conseil départemental*) may still implement administrative child protection measures if it deems it necessary in light of the information of concern it has received about the child's situation.

⁴¹⁸ France, Civil Code (*Code civil*), [Article 375](#).

⁴¹⁹ France, Civil Code (*Code civil*), [Article 375-5](#).

⁴²⁰ France, Code of the civil procedure (*Code de procédure civile*), [Article 1183](#).

⁴²¹ France, Civil Code (*Code civil*), [Article 375](#).

⁴²² With the possibility of extension for up to 6 months, after obtaining the Prosecutor's requisitions.

⁴²³ France, Code of the civil procedure code (*Code de procédure civile*), [Article 1183](#).

⁴²⁴ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Chapter VI](#).

⁴²⁵ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 226-3](#).

⁴²⁶ France, ONED, [National survey of information of concern](#) (*Enquête nationale informations préoccupantes*), October 2011.

<p>enhance the efficiency of their actions?</p>		<p>Education, 52% with hospitals and 30% with civil society associations. By the end of 2011, only 11 departments had not signed any protocols.</p> <p>In its 16th yearly report published in 2022, devoted to the health of protected children, the ONPE emphasized the value of framework agreements to define "the areas of action and working methods for implementing and developing cooperation useful for the deployment of guidelines in all the fields involved (partnership, research, assessment, training, etc.), at national, regional and territorial levels".⁴²⁷</p> <p>With regard to delinquent children, a circular sets up judicial teams in each jurisdiction with jurisdiction over delinquent children, comprising of a specialised deputy, a juvenile court judge and the director of the Judicial Youth Protection agency. The aim of these teams is to strengthen the individual follow-up of offenders most at risk of "desocialisation" with better coordination between judicial and educational actors. It is also a question of identifying at an early stage children who are at high risk of re-offending in order to provide a graduated, proportionate penal response and to ensure the effective and rapid implementing of the measures ordered.</p>
<p>4.3.7. Is it likely that procedures will differ, depending on the migration – residential status of the child concerned? <i>Please also consider potential divergences depending on main actors involved.</i></p>	<p>X</p>	<p>In the case of unaccompanied foreign minors, the situation where parental authority is vacant generally leads to a referral to the guardianship judge, who declares the guardianship vacant and refers it to the public authority responsible for child welfare.</p> <p>Departments have an obligation to provide accommodation for children in cases of emergency. These situations include children who cannot be kept with their families, such as unaccompanied foreign minors.</p> <p>There is no further distinction according to the situation with regard to the right of residence.</p> <p>The conditions for taking unaccompanied foreign minors into care and the related difficulties have been highlighted for several years, in particular in a 2018 mission report on unaccompanied</p>

⁴²⁷ France, ONPE, [The Health of protected children](#) (*La santé des enfants protégés*). Sixteenth report to government and parliament, July 2022, p. 42.

		<p>minors⁴²⁸ which supplemented two Senate reports, one from 2017,⁴²⁹ and the other from 2021⁴³⁰ which found that the sheltering system was saturated.</p> <p>Due to the lack of places in institutional structures, unaccompanied foreign minors may find themselves staying in hotels for varying periods of time, under the supervision of an educator who visits them. However, Law No. 2022-140 of 7 February 2022 stipulates that minors and adults under the age of 21 may not be cared for in hotel facilities. By way of derogation, in emergency situations, the duration of care in such facilities is limited to two months.</p>
<p>4.3.8. Are affected children heard as part of the procedures?</p> <p><u>If yes</u>, are the hearings child-sensitive and designed age-appropriately and in child-friendly language? Do children receive information and support by competent and trained professionals?</p>	X	<p>In its periodic report to the United Nations Committee on children's rights of July 2022,⁴³¹ France stated that "in civil matters, a child capable of forming their own views has the right to be heard in any proceedings regarding them by the judge or, when their interests so require, by a professional appointed for that purpose, if they so request. They may be heard alone, with a lawyer or a person of their choice who is involved in the proceedings. The judge must ensure that juveniles have been informed of their right to be heard and to be assisted by a lawyer. The judge must also consider a number of factors in making their decision, including "the feelings expressed by the juvenile child under the conditions provided for in Article 388-1 of the Civil Code". All of the rules to be respected in terms of the hearing of the juvenile are provided for in the circular of April 19, 2017 on judicial child protection.⁴³² Finally, a juvenile who wants to do so may apply directly to the juvenile court judge for protection. The hearing of the voice of the child is the subject of mandatory training for all magistrates. Law No. 2022-140 of February 7, 2022 on child protection improves the educational assistance procedure, before placement. The voice of the child will be</p>

⁴²⁸ France, [Report of the bipartisan reflection mission on unaccompanied minors](#) (*Rapport de la mission bipartite de réflexion sur les mineurs non accompagnés*), February 2018.

⁴²⁹ France, E. Doineau, J.-P. Godefroy, [Information report on behalf of the Social Affairs Committee on the social care of unaccompanied minors](#) (*Rapport d'information fait au nom de la commission des affaires sociales sur la prise en charge sociale des mineurs non accompagnés*), June 2017.

⁴³⁰ France, H. Bourgui, L. Burgoa, X. Lacovelli and H. Leroy (Senators), [Information Report on behalf of the Committee on Social Affairs \(1\) and the Committee on Constitutional Law, Legislation, Universal Suffrage, Regulations and General Administration \(2\) on unaccompanied minors](#) (*Rapport d'information fait au nom de la commission des affaires sociales (1) et de la commission des lois constitutionnelles, de législation, du suffrage universel, du Règlement et d'administration générale (2) sur les mineurs non accompagnés*), 29 September 2021.

⁴³¹ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, paras 65-69.

⁴³² France, Ministry of Justice (*Ministère de la justice*), [Circular on the judicial protection of children](#) (*Circulaire relative à la protection judiciaire de l'enfant*), 19 April 2017.

		<p>taken more into account. The child shall be heard individually by the juvenile court judge and may be more duly represented by ad hoc administrators or defended by lawyers, when it is in the child's interest. (...) In the context of placement procedures (in institutions and in foster care), the consideration of the feelings expressed by the child during the hearing is a condition of judgment's validity. The child may appeal the placement decision if they disagree with it. The child retains this right throughout the placement and during their care by child protection services".</p> <p>The placement of children in foster care, in a Children's welfare hostel (<i>Maison d'enfant à caractère social</i> - MECS) or in a Children's village (<i>Village d'enfants</i>) is an educational measure. The regime for the pronouncement of educational measures is provided for in Articles 375 to 375-9 of the Civil Code. Article 375-1 of the Civil Code states that the juvenile court judge "must always try to obtain the support of the family for the measure envisaged and decide strictly on the basis of the child's interests. The judge must systematically conduct an individual interview with the child capable of discernment during the hearing".⁴³³ Article 375-3 provides that the juvenile court judge, except in an emergency, "may only place the child in the care of a departmental service or to an authorised service" after assessment, by the competent service, of the conditions of the child's educational, physical, emotional, intellectual and social development in the context of being cared for by a family member or by a trustworthy third party, in accordance with the project for the child provided for in Article L. 223-1-1 of the Social Action and Family Code (<i>code de l'action sociale et des familles</i>), and after hearing the child when the latter is capable of discernment".⁴³⁴</p> <p>The hearing of children in court is provided for in Articles 338-1 to 338-12 of the Civil procedure code.</p> <p>Article 338-1 of the Civil Procedure Code states that: "<i>The juvenile capable of discernment is informed by the person or persons exercising parental authority, the guardian or, where applicable, by the person or service with whom</i></p>
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⁴³³ France, Civil Code (*Code civil*), [Article 375-1](#).

⁴³⁴ France, Civil Code (*Code civil*), [Article 375-3](#).

		<p><i>they have been placed of their right to be heard and to be assisted by a lawyer in all proceedings regarding them. »</i></p> <p>Articles 338-2 and 338-4 of the Civil procedure code stipulate that the application for a hearing of the juvenile, which may be made on an informal basis, at any time in the proceedings and even in cases of an appeal, may only be refused on the grounds of their lack of discernment or the fact that the proceedings do not involve them. In addition, Article 388-1 of the Civil Code provides that "in any proceedings regarding them, a juvenile capable of discernment may, without prejudice to the provisions providing for their response or consent, be heard by the judge or, where their interests so require, by the person appointed by the judge for that purpose". This hearing is legal when requested by the juvenile. When the juvenile refuses to be heard, the judge assesses the merits of this refusal. Juveniles may be heard alone, with a lawyer or a person of their choice. If this choice does not appear to be in the juvenile's best interests, the judge may appoint another person (...). The judge must ensure that juveniles have been informed of their right to be heard and to be assisted by a lawyer".⁴³⁵</p> <p>There is therefore no age threshold, only the capacity for discernment (for example: a 7-year-old child capable of discernment may be heard, a 14-year-old child incapable of discernment will not be heard).</p> <p>The judge consider the minor capable of discernment when he or she can express a considered opinion thanks to his or her maturity and degree of understanding. His/her maturity, degree of understanding, personal ability to appreciate situations, ability to express a considered opinion are elements that demonstrate this discernment.</p> <p>In principle, children capable of discernment are heard during the placement procedure regarding them, if they so request. In practice, the Defender of Rights found that many judicial decisions in educational assistance were made without prior hearing of juveniles.⁴³⁶ Since the law of 7 February</p>
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⁴³⁵ France, Civil Code (*Code civil*), [Articles 338-1, 338-2 and 338-4](#).

⁴³⁶ France, Defender of rights (*Defenseur des droits*)(2020), [Report to the UN Committee on children's rights](#).

		<p>2022, it has been mandatory for them to be heard by a children's judge.⁴³⁷</p> <p>It is settled case law that the child's request to be heard cannot be set aside, as established by the decision of the Court of Cassation, which overturned the contested judgment for violation of Articles 3-1 (best interests of the child) and 12-2 (hearing of the child) of the International Convention on children's rights, together with Articles 388-1 of the Civil Code and 338-1 and 338-2 of the Civil procedure code: in the context of a procedure to change the residence of a juvenile child, the court of appeal did not rule on the request for a hearing of a child, presented during the deliberation by letter, whereas the overriding consideration of the best interests of the child and the child's rights to be heard required it to take into account the child's request, and this hearing could only be set aside by a specially reasoned decision.⁴³⁸</p> <p>With regard more specifically to the conditions for hearing the voice of the child, Article 338-9 of the Civil Procedure Code (<i>code de procédure civile</i>) provides that "when the judge considers that the interests of the child so require, they shall appoint a person with no ties either with the juvenile or another party, to conduct the hearing. This person must practice or have practised a profession in the social, psychological or medico-psychological field".⁴³⁹ From the assessment stage onwards, article D. 226-2-6 of the French Social Action and Family Code (CASF) requires that a meeting be organised with the minor and that, depending on his or her age and degree of maturity, he or she be met without the holders of parental authority, with the latter's agreement.</p> <p>Apart from this provision, there is no other provision in the Civil Code or in the Social Action and Family Code that specifies how hearings should be adapted to children, depending on their age. These factors part of the practice of the professionals authorised to hear the child's voice and are more a matter of training than of legislative or regulatory provisions.</p>
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⁴³⁷ France, Civil Code (Code civil), [Article 375-1](#).

⁴³⁸ France, Court of Cassation (Court de cassation), [Decision No. 02-20.613](#), 18 May 2005.

⁴³⁹ France, Code of the penal procedure (*Code de procédure penale*), [Article 338-9](#).

<p>4.3.9. Are there mental health support services available for affected children?</p> <p><u>If yes</u>, how are services working together? How is it ensured that the child is informed and can make use of these services?</p>		X	<p>According to Article 375 of the Civil Code, "a report regarding the child's situation must be submitted annually, or every six months for children under two years of age, to the juvenile court judge. This report shall include a paediatric, psychological and social assessment of the child".⁴⁴⁰</p> <p>While this article of the civil code indicates that the situation of children taken into care by the Child welfare system under an educational assistance measure is monitored every year, this does not mean that juveniles in care are supported with regard to their mental health.</p> <p>In its report to the United Nations Committee on children's rights in July 2020, the Defender of Rights (<i>Défenseur des droits</i>) made the same observations "with regard to children under judicial protection, and in particular children placed under child welfare or judicial youth protection": France's backlog in child psychiatry and mental health, its largely insufficient prevention and training of mental health professionals, its lack of care professionals and appropriate facilities. "Furthermore, the siloed functioning of the various institutions does not provide for a global approach to a child's situation, which further hinders access to care for these particularly vulnerable children".⁴⁴¹</p> <p>Other than during the child's conversation with the treating physician, there is no evidence that the child is informed that they can access mental health support services.</p> <p>However, it appears from discussions⁴⁴² with public authorities, institutions and representatives of civil society that psychologists are deployed in all child protection services, as well as child psychiatrists in most facilities, assisted by nurses who have advanced practice with training in child psychology.</p> <p>There is still a need for territorial coordination between departmental services and hospitals (when the latter have child psychiatry services).</p>
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⁴⁴⁰ France, Civil Code (*Code civil*), [Article 375](#).

⁴⁴¹ France, Defender of rights (*Défenseur des droits*)(2020), [Report to the UN Committee on children's rights](#).

⁴⁴² France, For the purposes of this research, the authors went beyond primary and secondary sources to interview directly, wherever necessary, public authorities (contacts and discussions with the deputy director of the cabinet of the Secretary of State responsible for children, the deputy director of the General Directorate for Social Cohesion), institutions responsible for children (the former vice-president of the National Council for Child Protection (*Conseil national de la protection de l'enfance*) in particular), and representatives of associations specialising in children's rights and child protection. Contacts were also made with the General Directorate of School Education (*Direction générale de l'enseignement scolaire* - DGESCO) of the Ministry of Education, with staff of departmental child protection services, and with academics working on these issues. Despite reminders, the writers did not receive all the answers to their requests for information, particularly from the DGESCO.

In addition, structures co-financed by departments and Regional Health Agencies have been set up to provide health and medical-social staff to support children in matters of mental health. There are experimental structures on this point at the departmental level, and the public authorities indicate that they are in the process of being generalised.

4.3.10. What are the main challenges and gaps in the referral and investigation highlighted by relevant authorities, child protection, and civil society organisations? Briefly describe.

As early as 2012, the National observatory for children in danger (now the National Observatory for Child Protection) highlighted in its 7th annual report on information of concern, the diversity both of the situations covered and the classification of situations (in particular for statistical purposes) between departments.⁴⁴³

As the CNCDH emphasized in its advisory reports, a real challenge for professionals and institutions is to establish a common culture regarding the handling of information of concern.

Given the variations in the national network for assessing situations of danger and taking care of juveniles, the law of February 7, 2022 on child protection⁴⁴⁴ aims to better organise cooperation between those involved in the child protection system, to prohibit the placement of children in hotels, and to better protect children against violence. It also aims to improve the national governance of child protection for better overall management.

4.4. Placement decisions – care orders

4.4.1. Following the investigation and assessment of the child’s situation, who is responsible to decide upon issuing a care order/decision and the placement of the child in alternative care?

France has a dual system of child protection. The decision to place a child in alternative care can be taken by the administrative authority (administrative protection) or by the judicial authority (judicial protection) when the child is in danger as defined in the civil code⁴⁴⁵ and the parents are unable or unwilling to cooperate with the Child welfare system services (ASE). Judicial protection is subsidiary to administrative intervention.

The Child welfare system (ASE) can take taking into care or placement measures, with the family's consent.

Juvenile court judges may take steps to assist or place children without the family's consent, if necessary.

For the hearing of the child, there is no age threshold, only the judge's assessment of the child's capacity for discernment.

With regard to the minimum age for consenting to adoption, Article 349 of the civil code provides that the consent of the adopted child must be obtained if they are 13 years old and older.

Article 350 of the Civil Code provides that the court may order the adoption of a minor over the age of 13 who is not in a condition to consent to it, - If the adoption is in the interest of the minor - And

⁴⁴³ France, ONED, [National survey of information of concern](#) (*Enquête nationale informations préoccupantes*), October 2011.

⁴⁴⁴ France, [Law No. 2022-140 on child protection](#) (*Loi No. 2022-140 relative a la protection des enfants*), 7 February 2022.

⁴⁴⁵ France, Civil Code (*Code civil*), [Article 375](#).

after obtaining the opinion of an ad hoc administrator or the person in charge of a legal protection measure with representation relating to the person.

Question	Yes	No	Comments
<p>4.4.2. Are there legislative and or regulatory provisions clearly stating the criteria that should be taken into consideration in the assessment of the situation and in the decision-making process?</p> <p>Are there provisions specifying the criteria that should be considered when deciding to remove the child from its family? Are the principles of necessity and appropriateness considered?</p>	X		<p>The legislative⁴⁴⁶ and regulatory provisions do not clearly state the criteria to be considered in the assessment of the situation and in the decision-making process. However, The law of 7 February 2022 requires all departments to use the Haute Autorité de Santé's national guidelines for assessing situations of danger or risk of danger to children.</p> <p>The law of March 5, 2007 <i>reforming child protection</i>⁴⁴⁷ redefined the aims and scope of child protection by giving a broad definition that ranges from the prevention of difficulties that parents may encounter to family substitution.</p> <p>The concept of "information of concern" was created, without being precisely defined.⁴⁴⁸</p> <p>The main criterion is the best interests of the child, which guides the judge's decision. The law requires the juvenile court judge to find a suitable solution for leaving the minor in his or her family environment (in particular through educational assistance measures to support the parents) and he or she endeavours to obtain the family's support for the measure.</p>
<p>4.4.3. Are there provisions requiring that the views of the child should be taken into consideration in the decision-making process?</p> <p><u>If yes</u>, please specify if this is mandatory or left to the discretion of the responsible authorities, and if there are age-related requirements.</p>	X (Judicial)	X (Administrative)	<p>In the context of an administrative protection procedure, the services consider that the child has been informed by their parents, because they are either the applicants or the interested parties in the decision. There is no clear requirement that the child's views should be sought and considered in the decision-making process.</p> <p>In cases of a judicial decision, whether or not requested by the child, the child is always heard by the juvenile court judge, as long as they are considered capable of discernment. The ability of the child to be heard is left to the magistrate's discretion. The purpose of the hearing is to gather the information needed for the decision, but also</p>

⁴⁴⁶ France, Civil Code (*Code civil*), [Article 375](#).

⁴⁴⁷ France, [Law No. 2007-293 reforming child protection](#) (*Loi No. 2007-293 reformant la protection de l'enfance*), Article 27, 5 March 2007.

⁴⁴⁸ France, S. Faurie and C. Beau, "[Psychologue et évaluation clinique dans le cadre de la prévention](#)", *Le Journal des psychologues*, 2008/9, pp. 37-41.

			<p>to help the child understand and accept the decisions.</p> <p>In the motivation of their decision, the judge must underline the elements of fact and law which led them to take their decision. They must also indicate how they took the child's views into account. In the event that they did not take it into account, they must explain why.</p> <p>Children capable of discernment must be informed of their right to be assisted by a lawyer They must also be aware of the right to appeal against the judge's decision.</p>
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4.5. Types of care with focus on alternative care

Types of care existing in the country	Yes	No	Who is offering such services? (State, regional, local authorities, civil society, religious institutions)	Please make differences between the different types of care explicit
Foster care	X		Family assistants are employed by the President of the departmental Council (<i>Président du Conseil départemental</i>) to provide childcare in their homes. The family assistant is, together with those residing at the same address, a foster family.	
Residential – institutional care	X		<p>Institutions that care for children and adolescents have various legal statuses, regulatory frameworks and organisations. Most of them are managed by the accredited voluntary sector.</p> <p>For a short period of time, in cases of emergencies, the departmental councils provide Departmental children's home facilities known as "<i>Foyer départemental de l'enfance</i>" or "<i>Maison de l'enfance et de la famille</i>" to accommodate children.</p> <p>For longer periods, associations (mainly NGOs - only five percent of the institutions have a public status) are financed by the President of the departmental Council (<i>Président du conseil départemental</i>) to take in children in institutions such as <i>Maisons d'enfants à caractère social</i> or <i>Maisons d'enfants à vocation sociale</i>. The president of the departmental council has establishments and services falling exclusively within his competence for exclusive care by social assistance for children. A part is jointly authorised</p>	

		<p>with the State (Prefect of the department) in relation to civil (and criminal) judicial care.</p> <p>The social nursery provides day and night care for children under the age of three.</p> <p>For unaccompanied foreign minors, placement in a home can be provided by the Child welfare system (<i>Aide sociale à l'enfance</i> - ASE) if there are not enough places in an institution.</p>
Other forms of family-based or family-like care placements	X	<p>The juvenile court judge may decide to place the child with the other parent (when the parents are divorced) or with a "trusted person".</p> <p>"Children's Villages" (<i>Villages d'enfants</i>) are intended for brothers and sisters. They offer family-like homes: They include a few houses that accommodate siblings under the supervision of a family educator. They are mainly managed by associations financed by Departemental Councils (<i>conseils départementaux</i>). Children are placed by the Child welfare system (<i>Aide sociale à l'enfance</i> - ASE) or the juvenile court judge, depending on whether it is administrative or judicial protection.</p> <p>Each village is made up of about ten family houses, integrated into their environment, near a "common house". Each house accommodates 4 to 5 siblings with a family educator ("SOS mother or father"), and a family helper who supports them in their mission within the house. Each child is supported by a team of professionals. Additional measures and programmes are also deployed to best meet the needs of each child⁴⁴⁹.</p> <p>Community care settings (<i>Lieux de vie et d'accueil</i>) are small social or medico-social institutions providing personalised support in small classes (between three and seven people). Although LVAs are currently being professionalised, LVAs are small placement structures that do not fall under the status of social or medico-social institutions or structures and where the minor is normally placed in the home of "permanents" (historically managed private persons, now also managed by associations).</p> <p>Special education institutions for disabled children are medical and social facilities for disabled juveniles. Most of them are managed by associations and were usually set up by parents' associations. Such facilities are provided by the national health insurance system. Children are placed in these institutions on the basis of a medical prescription and a specialist doctor is responsible for the child's care. Institutions are approved according to the type of disability and age groups. These facilities are therapeutic, educational</p>

⁴⁴⁹ [projet-associatif-2022-version-courte.pdf \(sosve.org\)](#)

			and pedagogical institutes (<i>Instituts thérapeutiques, éducatifs et pédagogiques</i> - ITEP) and medical and educational institutes (<i>Instituts médico-éducatifs</i> - IME).
Supervised independent living arrangements for children	X		These living arrangements are for children over 16 and young adults. They are managed by local authorities.
Question	Yes	No	Comments
4.5.1. Is there data available on the number of children in care (disaggregated by type of care, gender/age, length of placement, etc)?	X		<p>The Directorate for research, studies, assessment and statistics (<i>Direction de la recherche, des études, de l'évaluation et des statistiques</i>) (DREES) produces data, by department and by region, broken down by age and type of accommodation, but not by gender or placement period. The most recent are from 2020.⁴⁵⁰</p> <p>Since law No. 2004-1 of January 2, 2004, the National Observatory for Child Protection (ONPE)⁴⁵¹ is in principle responsible for analysing the information that departments are required to submit to it, as part of the "individual and national longitudinal observation system for child protection" (<i>observation longitudinale individuelle et nationale en protection de l'enfance</i> - Olinpe). Two decrees⁴⁵² have specified the submitting procedures. The Olinpe report of January 2022 emphasized that "there is still room for improvement in the quality and completeness of the information sent by departmental councils, since to date, the sending of data is still partial, with some variables not being fully entered".⁴⁵³</p> <p>Some departments do not submit files, and those that are submitted are sometimes of insufficient quality to be analysed.</p> <p>By main types of care, in 2021, in mainland France, the DREES data regarding children placed in care: Foster care: 70,855 children Institutions: 73,195 children:</p> <ul style="list-style-type: none"> • social children's homes (MECS): 55,000 • Children's homes: 8,000 • Living and reception areas: 4,600 • Social nursery: 1,400 • Children's villages: 1,200 • Health facility: 500

⁴⁵⁰ France, see the DREES's [website](#).

⁴⁵¹ France, see the ONPE's [website](#).

⁴⁵² France, [Decree No. 2011-222](#), 28 February 2011; France, [Decree 2016-1966](#), 28 December 2016.

⁴⁵³ France, ONPE, [Second report devoted to the Olinpe system. Longitudinal, Individual, and national observation in child protection](#) (*Observation longitudinale, individuelle et nationale en protection de l'enfance*), January 2022, p. 45.

			<p>For independent adolescents and young adults (housed in student hostels or young workers' homes, hotels or supervised rentals): 13,429 persons.</p> <p>By age categories:</p> <ul style="list-style-type: none"> - 10,000 children under 3 years old - 16,000 from 3 to 5 years old - 37,000 from 6 to 10 years old - 50,000 aged 11 to 15 - 37,000 aged 16 to 17 - 35,000 from 18 and over <p>For a total of 188,000 children and young adults in care.</p>
4.5.2. Is there data available on the number of children placed in alternative care that disappeared and/or went missing from residential care institutions?		X	<p>No information is available on this subject.</p> <p>However, it appears from discussions⁴⁵⁴ with the authorities that the <i>Droits d'enfance</i> association, which manages the European number 118000, keeps a count of runaways. Authorities report that youth in the Child welfare system (<i>Aide sociale à l'enfance</i> - CSS) frequently run away.</p>
4.5.3. Is there a <u>national</u> registry of foster care families? How many children can be fostered in one family?		X	<p>There is no national registry of foster care families, because approvals are at the discretion of the Mother and child protection centers (<i>Centres de Protection Maternelle et Infantile</i> - PMI), a decentralised power.</p> <p>However, there is a national "red" list that can be consulted at the Prefecture, which lists people who are not allowed to work with children. For each family assistant, a criminal record section 2 is required.</p> <p>When a family assistant is approved by the Departmental Council (<i>Conseil départemental</i>), they are approved for a number of children from 1 to 3. As an exemption, they may be approved for a 4th child, when foster care of siblings is involved.</p> <p>When family assistants are a couple, the cumulative approvals can provide for the foster care of 2 to 6 children in the home of the two family assistants. The number of places is determined by the approval. It is issued by the Departmental Council of the family assistant's place of</p>

⁴⁵⁴ France, For the purposes of this research, the authors went beyond primary and secondary sources to interview directly, wherever necessary, public authorities (contacts and discussions with the deputy director of the cabinet of the Secretary of State responsible for children, the deputy director of the General Directorate for Social Cohesion), institutions responsible for children (the former vice-president of the National Council for Child Protection (*Conseil national de la protection de l'enfance*) in particular), and representatives of associations specialising in children's rights and child protection. Contacts were also made with the General Directorate of School Education (*Direction générale de l'enseignement scolaire* - DGESCO) of the Ministry of Education, with staff of departmental child protection services, and with academics working on these issues. Despite reminders, the writers did not receive all the answers to their requests for information, particularly from the DGESCO.

residence at the discretion of the *PMI* service. The rules are governed by the Social Action and Family Code.

4.5.4. How and by whom foster families are recruited, vetted, and trained? Provide information on the legal framework and responsible authorities, recruitment requirements, selection criteria, reimbursement of costs, etc.

Since 2006, the family assistant's activity is strictly supervised⁴⁵⁵: it is subject to obtaining an approval and undergoing training, and a diploma is issued.

The family assistant must have obtained an approval in order to be recruited by a Departmental council. The approval is issued by the president of the departmental council of the applicant's place of residence⁴⁵⁶.

Once the approval is obtained, the family assistant submits their application to the Departmental Council. A 60-hour preparatory training course is given in the two months preceding the caring of the child⁴⁵⁷. The second part of the training⁴⁵⁸ takes place within 3 years after the first contract. It lasts 240 hours and covers the profession's psychological, educational and legal aspects.

At the end of the second training course, the family assistant has to take the exam for the family assistant state diploma. Once this diploma is obtained, the renewal of the approval becomes automatic⁴⁵⁹.

4.5.5. Are any types of care (foster homes, residential care, other form of care arrangements) monitored once children are placed therein? If so, provide information on the applicable legislative provisions on monitoring procedures. Please specify the difference between the monitoring of different types of care. How frequently are they monitored, how and by whom?

The child welfare system services (*Aide sociale à l'enfance* - ASE) monitor the individuals and legal entities with whom children have been placed, in order to ensure the material and moral conditions of their placement. All of childcare facilities are monitored by the Child welfare system (ASE) services. In practice, the frequency of visits by social workers to foster care facilities or family assistants' homes varies from one department to another. There are no regulations on the frequency of home visits.

The President of the Departmental Council (*Conseil départemental*) is responsible for monitoring the department's family assistants and other care facilities.

The legal provisions specify that the family assistant has to inform the president of the Conseil départemental immediately of any change in their family situation and those living in their home.

In application of the DPJJ memorandum of 1 February 2023 on supervision, the DPJJ is implementing a policy of supervision of all structures contributing to the mission of judicial youth protection, in the case of institutions, services and LVA taking care of minors in judicial (civil and/or penal) or jointly

⁴⁵⁵ France, [Decree No. 2006-627 regarding the provisions of the labour code applicable to maternal assistants and family assistants](#), 29 May 2006, Article 1.

⁴⁵⁶ The examination of the application for approval begins with a collective information meeting, and primarily continues with a social and psychological investigation carried out by the department's social services: they assess various criteria such as housing conditions, family situation, educational skills and open-mindedness. To this end, social workers make several visits to the home and the applicant meets with a psychologist. The decision to grant approval must be made within four months at the most. The approval is valid for five years on a renewable basis.

⁴⁵⁷ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article D. 421-43](#).

⁴⁵⁸ A professional adviser is appointed at the beginning of the first training course and will be responsible for the follow-up until the end of the second course.

⁴⁵⁹ By virtue of [Article D. 451-104](#) of the Social Action and Family Code, an order of the Minister of Social Affairs specifies the professional skills attested by the diploma, the procedures for accessing training, the content and organisation of the training and the certification procedures.

judicial (civil and/or penal) and administrative (social assistance to children). As part of an annual programme, the inter-regional directorates carry out second-level inspections of establishments and services in a variety of ways:

- operating controls carried out periodically in accordance with the application of the control methodological guide ;
- thematic audits on a subject common to a group of regional directorates, establishments and/or services and of local or national interest;
- malfunction audits carried out outside the scope of the programme in the event of difficulties or malfunctions being observed.

These audits lead to the development and implementation of action plans in response to the report's recommendations. They are part of the ongoing process of improving the work of PJJ establishments, services and living and reception facilities. The use of these reports feeds into departmental and inter-regional risk mapping and makes it possible to adjust the actions to be taken.

Under article L. 313-13 of the CASF, the authority that issued the authorisation is responsible for carrying out inspections of establishments and services. In the event of joint authorisation, these inspections are carried out jointly by the State and the president of the departmental council. A training course organised by the National School for the Judicial Protection of Young People provides joint training for professionals responsible for inspections in the inter-regional directorates (DIR) and departmental councils. Each year, around twenty trainees take part in the course, after which they will be certified to carry out inspections in social or medico-social establishments or services.

The prefect also has the prerogative to carry out inspections, regardless of which authority issued the authorisation.

Under this article, although the PJJ services are not placed under the authority of the Prefect, they may be asked to carry out controls as the latter's investigating services. In addition, establishments and services are subject to inspection by members of the Inspectorate General of Social Affairs, regardless of which authority is competent to issue the authorisation.

Independently of the powers of the prefect, article L. 313-20 of the CASF confirms the action and powers of the Ministry of Justice in terms of control: "the judicial authority and the services under the authority of the Minister of Justice, without prejudice to the powers granted to the president of the departmental council, exercise control over the establishments and services mentioned in 4° of 1 of article L. 312-1".

The inspection findings may lead the prefectural authority, where appropriate in conjunction with the chairman of the departmental council, to use its power of injunction, appoint a provisional administrator and/or order the total or partial suspension or definitive cessation of activity of the facility inspected. The DPJJ has also defined the procedures for suspension or cessation of activity for all public service and SAH structures, in a procedure that it has recently clarified (DPJJ Note of 21 July 2022 on procedures for suspension and cessation of activity in SAH establishments, services and living and reception facilities).

A posteriori control is also exercised periodically by external control authorities:

- the General Inspectorate of Justice (IGJ), which carries out a permanent mission of inspection, control, study, advice and evaluation of all the bodies, departments, establishments and services of the Ministry of Justice;
- the Ministerial Internal Audit Mission of the Ministry of Justice (MMAI), which conducts internal audits to assess the quality and effectiveness of internal control systems;

- the Contrôleur général de lieux de privation de liberté (CGLPL), which makes unannounced visits to closed educational centres in the public sector and the accredited voluntary sector and ensures that the fundamental rights of young people in care are respected;
- bar presidents, who may appoint members of the bar to carry out unannounced inspections in closed educational centres;
- the Court of Auditors;
- the specially appointed public prosecutor and the juvenile court judge, at least once a year, within the jurisdiction of the juvenile court (article L. 113-3);
- Members of Parliament and Senators (article L. 113-4).

Following these periodic inspections, an action plan incorporating the recommendations made is drawn up and monitored by the regional and inter-regional directorates under the DPJJ supervision.

In addition to these controls, all social and medico-social establishments and services in the public sector and the voluntary sector that are jointly and exclusively authorised by the State (article L312-1 of the CASF) are subject to evaluation of the quality of the services they provide by an external body accredited by the French Accreditation Committee (COFRAC), in accordance with the procedure for evaluating social and medico-social establishments and services established by the French National Authority for Health (HAS) in May 2022.

The decree of 26 April 2022 amending the decree of 12 November 2021 on the frequency of quality assessments of social and medico-social establishments and services sets the frequency of assessments at one every five years. The multi-year programme for these evaluations is drawn up by the authorities that issued the authorisation (pricing and control authorities). The decrees for the first multi-year programme were published on 1 October 2022. Implementation of this evaluation programme began on 1 July 2023 and will run until 31 December 2027.

Question	Yes	No	Comments
4.5.6. Are children placed in foster care homes geographically <u>close to their biological families</u> , school, friends, and/or community?	X (Judicial)	X (Administrative)	Judicial placement is governed by the law, which provides that "the child's placement setting has to be sought in the child's interest and in order to facilitate the exercise of visiting and accommodation rights by the parent(s) and the maintaining of their bonds with their brothers and sisters". ⁴⁶⁰ There is no legal provision for administrative placements. There is no data on the geographic distribution of foster families.
4.5.7. Is there a <u>national registry</u> of residential institutions for children? If <u>yes</u> , please provide information regarding the existent number of		X	While there is no national directory of establishments, services and living and reception facilities (LVA) that fall exclusively within the remit of the President of the Departmental Council (i.e. authorised exclusively for administrative care), the Ministry of Justice maintains a national directory of public and voluntary establishments, services and LVA authorised for care:

⁴⁶⁰ France, Civil Code (*Code civil*), [Article 375-7](#).

<p>residential institutions and their capacity (beds).</p>	<ul style="list-style-type: none"> - either exclusively judicial (criminal (delinquent children) and/or civil (educational assistance)) authorised by the Prefect of the department; - or jointly judicial (criminal and/or civil) AND administrative (child welfare), authorised jointly by the Prefect of the department and the President of the departmental council. <p>With regard to the judicial protection of children, the State is piloting a judicial placement scheme offering, through institutions in the public sector and the authorised voluntary sector, a range of complementary, diversified and progressive responses.</p> <p>The scheme includes as of 1 July 2022:</p> <ul style="list-style-type: none"> — 17 public closed educational centres (CEF) and 35 associative CEF; — 63 public educational placement establishments including 4 units of public reinforced educational centres (CER); — 47 associative CER; — 16 LVA authorised exclusively by the State and 80 jointly authorised by the State and the President of the Departmental Council; — 12 placement establishments and a mechanism for remobilisation and engagement of citizens and associative solidarity exclusively authorised by the State and 422 placement establishments (homes, children’s homes of a social nature, diversified accommodation centre, family placement centre, young workers’ homes) jointly authorised by the Prefect and the President of the Departmental Council. <p>The total capacity of those investment institutions shall be, in number of places and on 1 July 2022:</p> <ul style="list-style-type: none"> — 1940 places in the public sector of the PJJ (mainly delinquent child care); — 1,084 places in the voluntary sector exclusively authorised by the State (mainly delinquent child care); — 26347 places in the voluntary sector authorised jointly by the State and the president of the departmental council (care for the judiciary (child delinquents and/or educational assistance) AND administrative (child welfare)).
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<p>4.5.8. Are there <u>accreditation and licensing procedures</u> for residential institutions in place?</p> <p><u>If yes</u>, please provide information on the legislative framework, the responsible authority and procedure.</p>	X	<p>Facilities providing care for minors under administrative (child welfare) and/or judicial (educational assistance and/or delinquent children) arrangements are social and medico-social establishments and services (ESSMS) or living and reception facilities (LVA) covered by article L. 312-1 of the Social Action and Family Code (CASF).</p> <p>As such, they require authorisation to set them up and begin operating (L. 313 1 of the CASF).</p> <p>The authorisation is issued by the President of the Departmental Council in the case of administrative care (child welfare), or by the Prefect of the Department in the case of civil or criminal judicial care, or jointly by these two authorities in the case of joint care. It may also be issued by the President of the Departmental Council and the Director of the Regional Health Agency in the case of medico-social care.</p> <p>If it is entrusted to a private manager (mainly associations), this authorisation is issued following the opinion of a project selection committee that has responded to a public call for projects (L. 313-1-1 of the CASF). This committee is made up of members representing all the players in the social and medico-social sector in the département.</p> <p>Associations authorised to carry out civil or criminal legal measures must be authorised to receive minors entrusted to them by the judicial authority (L. 313-10 of the CASF and decree no. 88-949 of 6 October 1988 on legal authorisation). The aim is to provide the judicial authority with a guarantee of the quality of the services provided and of the staff of the establishments and services that are usually entrusted with minors by the judicial authority in the context of delinquent children and/or educational assistance. Those authorised to carry out administrative measures (child welfare) must also be specifically authorised by the President of the Departmental Council (article L. 313-6 of the CASF).</p> <p>Public managers are exempt from this call for projects procedure and are subject to an additional authorisation issued by the competent authority if necessary (L. 315-2 of the CASF). Public managers holding authorisation to carry out civil or criminal legal measures are also exempt from the legal authorisation procedure.</p> <p>These procedures require the production of a large number of documents, both relating to educational care and to the</p>
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			manager's budgetary stability, enabling the competent authority to choose the most appropriate manager.
4.5.9. Are there <u>national applicable standards</u> relating to the operational framework of such institutions (requirements or quality standards related to the personnel, the infrastructures, the living conditions, and daily care of children)?	X		<p>Professional guidelines exist to provide a framework for professionals working in childcare facilities. Some of them deal with ethical issues in social and medico-social institutions, while others with accommodation principles in order to combine the requirements of community life with individual follow-up, and still others with management quality standards.</p> <p>These recommendations are not binding. They have no regulatory value, but are used as a reference by supervision bodies.</p> <p>A charter of rights and freedoms for people in institutions⁴⁶¹ has been adopted. However, it does not include any details about children's rights.</p>

4.5.10. How is the residential care staff recruited, vetted, and trained?

Various types of professionals are involved in childcare facilities. The people working in institutions are mainly specialised educators. Faced with recruitment difficulties, many associations managing childcare facilities employ people with a diploma related to childhood, but also people without a diploma. Such people are then considered as student educators. They must take the entrance exam for educator schools within two years of their recruitment.

The National School for the Judicial Protection of Young People ("*Ecole nationale de protection judiciaire de la jeunesse*" - ENPJJ), the only public service training school specialising in the fields of juvenile law, child protection and education, develops training modules on child protection every year, a priority theme in its initial and ⁽⁴⁶²⁾in-service training programmes. The training programme is open free of charge to staff from the departmental councils, as well as to the SAH (approved voluntary service).

Some associations, such as the Union for childhood (*Union pour l'enfance*), go further than the regulatory framework, which provides for multidisciplinary training focused on child protection for professionals likely to encounter children in danger. They offer their staff ongoing training and discussions in best practices.

Persons convicted of certain felonies or misdemeanours listed in the law are prohibited from working in a care facility.

Question	Yes	No	Comments
4.5.11. Are children placed in alternative care allowed to <u>lodge complaints</u> against	X		<p>Children can report any abuse or maltreatment to the juvenile court judge who monitors them.</p> <p>In addition, any person placed in a social institution or their legal representative may ask, to assist them in asserting</p>

⁴⁶¹ France, [Charter of rights and freedoms of the person in residential care](#) (*Charte des droits et libertés de la personne accueillie*), May 2004.

⁴⁶² [Offre nationale de formation continue de l'Ecole nationale de protection judiciaire de la jeunesse. \(enpjj.fr\)](#)

<p>the personnel /foster parents and care workers and report abuse or violations of their rights? Are these procedures child-friendly and respective of confidentiality?</p> <p><u>If yes</u>, briefly describe to whom and how children can lodge complaints.</p>		<p>their rights, for the help of a qualified person chosen from a list drawn up jointly by the prefect, the director of the regional health agency and the president of the Departemental council.</p> <p>Children can also submit a complaint to the Defender of Rights' (Défenseur des droits) deputy, responsible for childhood.</p> <p>The Young ambassadors for children's rights (<i>Jeunes ambassadeurs des droits auprès des enfants - JADE</i>)⁴⁶³, who represent the Defender of Rights (<i>Défenseur des droits</i>) at the local level, participate once a year in care institutions to raise awareness of the Defender of Rights' (<i>Défenseur des droits</i>) missions, and on this occasion they can collect serious facts that are then dealt with by the Defender of Rights' (<i>Défenseur des droits</i>) "Defense of Children (<i>Défense des enfants</i>)" department.</p>
<p>4.5.12. What is the <u>assistance available to adolescents that leave alternative care</u> to live independently?</p> <p>(e.g. financial, housing, vocational, educational, employment, life skills, mental health services, social or emotional)?</p> <p>Briefly describe who is responsible for such assistance?</p>	X	<p>On the basis of Article L. 311-3 of the social action and family code,⁴⁶⁴ the remit of social and medico-social institutions of which includes individualised care and support to contribute to the development, autonomy and inclusion of children, appropriate to their age and needs, some Children's Houses of a social type offer assistance to children of about 16 years of age in order to live in semi-autonomy.</p> <p>This support is mainly based on local initiatives: some departments provide apartments for semi-independent care. A social worker is assigned to supervise children living in apartments. Little information is available on this subject.</p>
<p>4.5.13. What assistance is provided to families - while the child is placed to alternative care - to support the return of the child in the family? By whom? Who coordinates the assistance? Please briefly describe.</p>		
<p>In accordance with Article L. 521-2 of the Social Security Code (<i>code de la sécurité sociale</i>),⁴⁶⁵ family allowances are allocated to the person who has actual and continuous responsibility for the child. But when a child is placed in the care of the Child welfare system (ASE), the corresponding part of the family allowance is in principle paid to this service; but the juvenile court judge may decide to maintain it for the benefit of the family.⁴⁶⁶</p>		

⁴⁶³ France, see the [website on the "JADE" programme](#).

⁴⁶⁴ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 313-3](#).

⁴⁶⁵ France, Social Security Code (*Code de la sécurité sociale*), [Article L. 521-2](#).

⁴⁶⁶ France, Social Security Code (*Code de la sécurité sociale*), [Article L. 521-2](#) : "When a child is placed in the care of the child welfare service, family allowances shall continue to be assessed taking into account both the children present in the home and the child or children placed in the

Article L. 221-1 of the Social Action and Family Code (*Code de l'action sociale et des familles*)⁴⁶⁷ specifies that the service in which the child is placed must "provide for all the needs of juveniles placed in the service and ensure their guidance, in cooperation with their family or legal representative".

Departmental councils (*conseils départementaux*) can also offer various forms of parenting support measures, with the consent of families. These measures are referred to in the "Project for the Child (*Projet pour l'enfant*)", introduced by the 2007 law *reforming child protection*.⁴⁶⁸

<p>4.5.14. Is any <u>assistance</u> provided to children and families <u>upon return of the child in the family</u>? Briefly describe. Who is responsible for such assistance?</p> <p>Is there any monitoring and follow-up of such cases?</p> <p>Who is coordinating assistance and support?</p>	<p>X</p>	<p>There is no specific provision on this subject.</p> <p>However, a juvenile court judge who orders the child to be returned to their family would ensure that this return is accompanied by an educational assistance measure in an open environment, and would follow this up themselves in their chambers.</p> <p>The social workers responsible for the educational follow-up in the open environment submit a report to the juvenile court judge, the periodicity of which is set by the judge themselves.</p>
<p>4.5.15. Are decisions of placement in alternative care reviewed?</p> <p>If <u>yes</u>, please provide the applicable legislative provisions. How frequently is this done? By whom?</p> <p>Are the children's views taken into consideration?</p>	<p>X</p>	<p>All placement decisions are subject to periodic review and the review period is set by the juvenile court judge themselves. The principle is to keep the child in their family environment and end their placement of as soon as it is no longer necessary.</p> <p>There are two distinct regimes depending on the family's situation.</p> <p>The judge decides on the placement period, which cannot exceed two years. Beyond that, the measure may be renewed through a justified decision. As an exception, when the parents have serious, severe and chronic relational and educational difficulties, the judge may order the placement for a longer period. In all cases, a report on the child's situation is submitted yearly to the juvenile court judge by the institution in which the child is placed. In addition, the judge may at any time convene a hearing and decide to change or end educational assistance measures (including placement). They may do so on their own</p>

care of the child welfare service. The family's share of the family allowance for that child is paid to this service. However, the judge may decide, on their own initiative or at the request of the president of the general council, following a measure taken pursuant to [Articles 375-3](#) and [375-5](#) of the Civil Code or [Article L. 323-1](#) of the juvenile criminal justice code, to maintain the payment of allowances to the family, when the family participates in the child's moral or material care or with a view to facilitating the child's return to their home".

⁴⁶⁷ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 221-1](#).

⁴⁶⁸ France, [Law No. 2007-293 reforming child protection](#) (*Loi No. 2007-293 reformant la protection de l'enfance*), Article 27, 5 March 2007.

		<p>initiative, or at the request of one or both parents or the institution in which the child is placed.</p> <p>Administrative placements require parental consent. The placement period cannot exceed one year. It may be renewed under the same conditions. The service in which the child is placed provides a report at least once a year after a multidisciplinary assessment of the child's situation.</p> <p>In judicial placement matters, the judge hears the child who is capable of discernment.</p>
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4.5.16. Is there a legal framework regarding adoption? Briefly describe the core elements and responsible authorities, also considering differences between within-country and between-country adoptions. Is private adoption permitted in the country?

The legislative framework for adoptive filiation is defined in Title VIII of the Civil Code.⁴⁶⁹ It takes two separate forms: simple adoption and plenary adoption.

Simple adoption allows the adopted child to keep some of the legal bonds with their biological family.⁴⁷⁰ Simple adoption is less restrictive in its requirements and less radical in its effects than full adoption.

Full adoption ends the relationship between the biological parent and the child. All the rights and statuses that the child may have had from their biological family are thus revoked and replaced by the rights and statuses granted to the adopting family.⁴⁷¹

The civil code lays down the conditions⁴⁷² for adopting, in terms of age⁴⁷³ in particular, and the consequences. Adoption confers on the adopted person rights and duties equivalent to those of a legitimate child.

Regarding the adopted person, there is no condition on the age. The consent of the adopted person is required if they are 13 years of age or older.

Any prospective adoptive parent (French or foreign) residing in France, wanting to adopt a ward or a foreign child, must first obtain the approval⁴⁷⁴ of the President of the Departmental Council (*Conseil départemental*), after the advisory report of an approval commission⁴⁷⁵.

Adoption for homosexual couples:

There is therefore no specificity for homosexual couples when the child has no biological link with one of the two parents.

However, in a lesbian couple, when the child has been carried by one of the two spouses, several cases can be distinguished:

In the case of a child born by medically assisted procreation, the spouse of the biological mother must contact a notary to establish the parent-child relationship with the child (possible even in the event

⁴⁶⁹ France, Civil code (*Code civil*), [Title VIII](#). Title VIII: Adoptive filiation (Articles 343 to 370-5) - *Légifrance* (legifrance.gouv.fr)

⁴⁷⁰ France, Civil code (*Code civil*), [Article 360 et seq.](#)

⁴⁷¹ France, Civil code (*Code civil*), [Article 343 et seq.](#)

⁴⁷² If the prospective adoptive parent is married, the consent of the spouse is required. Two people must be married to adopt a child together (same-sex couples can adopt).

⁴⁷³ A single person who is 28 years of age or older may adopt another person. The adoptive parent must be at least 15 years older than the adopted person, unless the adopted person is the child of the adoptive parent's spouse. In this case, the parent must be 10 years older than the adopted person.

⁴⁷⁴ Social and psychological assessments must certify that the care conditions proposed by the applicant meet the needs and interests of an adopted child. The approval validity period is five years.

⁴⁷⁵ France, see the adoption [website](#).

of refusal by the biological mother when this refusal is abusive), but it is not an adoption but a joint recognition (Article 343-11 of the Civil Code amended by the law of August 2021 on bioethics. A period of three years was granted to couples whose child was born by medically assisted procreation before the promulgation of the law of July 2021 (Article 9 of the law of 21 February 2022).

In other cases, the spouse must adopt the child in order to have a legal relationship with them.

In addition, the adoption reform of 21 February 2022 put an end to the monopoly of marriage on adoption. It is now possible for a couple who are not married, but in a civil union, or in a cohabitation, to adopt as a couple, provided that at least one of the adopters is over 26 years old, or failing that, that the adopters provide proof of a community of life of at least one year⁴⁷⁶. Provisions came into force in January 2023.

Private adoption is not allowed in France.

4.5.17. What are the main challenges encountered and gaps at the policy and legislative level in relation to alternative care? *Please consider available studies reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.*

In its advisory report⁴⁷⁷ of May 26, 2020, devoted to *respect for privacy and family life in child protection*,⁴⁷⁸ the CNCDH noted that the child protection system does not work well and operates differently from one department to another, often due to the persistent lack of resources in care placement facilities and effective coordination between those involved. It believed that parents are insufficiently involved in decisions regarding their children in care, and that the effective rights of children are poorly guaranteed.

In its report entitled *Privacy: a right for the child*,⁴⁷⁹ published in 2022, the Defender of Rights (*Défenseur des droits*) stresses the importance of giving the child a space of their own in their placement setting, but also of respecting the secrecy of their correspondence.

There is no provision for implementing the right of children to be heard when it comes to administrative placement decisions that affect them and are requested by their parents, in contradiction with the United Nations Committee on the Rights of the Child's General Comment No. 12, which reiterates the need to ensure that the views of the child "are sought and taken into account, including decisions regarding their placement in foster care or a children's home, the formulation of placement in care plans and their review, and visits to their parents and family".⁴⁸⁰

There is a lack of adequate facilities for particular groups of children, such as child victims of trafficking or autistic children.

⁴⁷⁶ France, Civil Code (*Code civil*), [Article 343](#).

⁴⁷⁷ Advisory report submitted upon referral by the Secretary of State for child protection.

⁴⁷⁸ France, CNCDH, [Avis "Respect for privacy and family life in child protection: a fundamental right that is difficult to ensure in an ailing system"](#) (*Le respect de la vie privée et familiale en protection de l'enfance : un droit fondamental difficilement assuré dans un dispositif en souffrance*), 26 May 2020.

⁴⁷⁹ France, Defender of rights (Defenseur des droits)(2022), [Privacy: a right for the child](#) (*La vie privée: un droit pour l'enfant*).

⁴⁸⁰ Committee on children's rights, [General Comment No. 12. The right of the child to be heard](#), 2009, CRC/C/GC/1.

4.6. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection care system in the past 8 years, incl. achievements and (persisting) gaps and challenges

The law of February 7, 2022 *on child protection*⁴⁸¹ made substantial changes to the legislative framework previously established by the *law of March 5, 2007 reforming child protection*.⁴⁸² However, in practice, the French child protection system still faces the problem of insufficient resources, insufficient care structures and the possibility of adjusting the care placement arrangements to the needs of the child.

In its advisory report of May 26, 2020, *on respect for privacy and family life in child protection*,⁴⁸³ the National consultative commission on human rights emphasized the significant differences in the way these services work from one department to another. It recommends strengthening prevention and providing parents with the appropriate support they need. It held that while placement measures must remain the exception, the procedures for exercising parental authority must be clarified and the rights of visits must not be hindered by the lack of means. It also held that the best interests of the child should guide all actions in order to ensure the bonds and the specific needs of the child.

When a child develops a very secure and fulfilling relationship with their foster family, it is not uncommon for that bond to be broken when the foster family moves. It would be desirable to better involve children in decisions that affect them when this type of event occurs. In general, the right to participation of children is still insufficiently respected, as children are considered to be "placed" with a "custodial" service, which does not encourage them to be thought of as subjects having rights and likely to express an opinion.

Finally, some local challenges remain, such as the shortage of foster families in the Paris area, which can lead to geographic displacements that are detrimental to children.

4.7. Promising practices

Please list and briefly describe any promising practice in the child protection care system that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

The creation of children's villages (*village d'enfants*), managed by the *SOS Villages d'enfants* association,⁴⁸⁴ is a useful addition to the supply of foster families for siblings. This type of structure provides for better care placement reception of siblings and allows their bonds of attachment to be preserved wherever possible. This is not possible in children's homes due to the age segmentation.

With regard to assessment tools, the National consultative commission on human rights (CNCDH) in its advisory report of May 26, 2020⁴⁸⁵ encourages the development of educational investigation services, implemented by associations and professionals trained in the approach to parental systems and interculturality. They fall within the exclusive remit of the State (Prefect of the department) and not the President of the departmental council.

⁴⁸¹ France, [Law No. 2022-140 on child protection](#) (*Loi No. 2022-140 relative a la protection des enfants*), 7 February 2022.

⁴⁸² France, [Law No. 2007-293 reforming child protection](#) (*Loi No. 2007-293 reformant la protection de l'enfance*), 5 March 2007.

⁴⁸³ France, CNCDH, [Avis "Respect for privacy and family life in child protection: a fundamental right that is difficult to ensure in an ailing system"](#) (*Le respect de la vie privée et familiale en protection de l'enfance : un droit fondamental difficilement assuré dans un dispositif en souffrance*), 26 May 2020.

⁴⁸⁴ France, see the association's [website](#).

⁴⁸⁵ France, CNCDH, [Avis "Respect for privacy and family life in child protection: a fundamental right that is difficult to ensure in an ailing system"](#) (*Le respect de la vie privée et familiale en protection de l'enfance : un droit fondamental difficilement assuré dans un dispositif en souffrance*), 26 May 2020.

Furthermore, the Project for the Child (PPE) is a very useful tool when used properly by all the actors around the child. Created by the 2007 law,⁴⁸⁶ the PPE was redefined to facilitate its appropriation by the law of March 14, 2016. The CNCDH welcomes the PPE and its regular updating based on the child's needs, the analysis of their family situation and the possible resources of their environment. It believes that it is a tool that professionals should use, in consultation with the child and families: "This tool must be used with a view to flexibility in the child's project, taking into account the fact that the child is growing up and has different aspirations depending on their age (including school and vocational training projects, questions of "older teenagers" and those leaving the Child welfare system (ASE))".⁴⁸⁷

⁴⁸⁶ France, [Law No. 2007-293 reforming child protection](#) (*Loi No. 2007-293 reformant la protection de l'enfance*), 5 March 2007.

⁴⁸⁷ France, CNCDH, [Avis "Respect for privacy and family life in child protection: a fundamental right that is difficult to ensure in an ailing system"](#) (*Le respect de la vie privée et familiale en protection de l'enfance : un droit fondamental difficilement assuré dans un dispositif en souffrance*), 26 May 2020.

5. Accountability, data collection, and monitoring mechanisms

5.1. Accountability mechanisms

5.1.1. Are there accountability mechanisms in place regarding the functioning of the child protection system? Is there any independent monitoring or reporting mechanisms on the performance of the child protection system? What is the role of child's ombudspersons, child commissioners or other independent national human rights institutions in monitoring child protection?

Various inspectorates, in particular the General Inspectorate of Social Affairs (*Inspection générale des affaires sociales*) and the General Inspectorate of Judicial Services (*Inspection générale des services judiciaires*), duly conduct assessments of specific aspects of the child protection system. The Social Action and Family Code (*Code de l'action sociale et des familles*)⁴⁸⁸ explicitly mentions that the departmental Child welfare system (*Aide sociale à l'enfance* - ASE) is supervised by the General inspectorate of social affairs (*Inspection générale des affaires sociales*).

The Court of Auditors (*Cour des comptes*) regularly publishes reports on the child protection system, such as the report published in 2020.⁴⁸⁹

The National Observatory for Child Protection (ONPE) is implemented at the local level through the Departmental Observatories for Child Protection (*observatoires départementaux de la protection de l'enfance* - ODPE), which have an important role to play in monitoring the implementation of local child protection strategies.⁴⁹⁰

A parliamentary delegation for children's rights has just been created at the French National Assembly (*Assemblée nationale*).

The National consultative commission on human rights (CNCDH), a national human rights institution accredited to the United Nations, monitors the International Convention on children's rights. It acts on two levels. In order to inform the public authorities, it regularly issues advisory reports on specific aspects of the child protection system or issues relating to children's rights.⁴⁹¹ It also contributes to monitoring France's compliance with its international human rights commitments, in conjunction with the relevant mechanisms of the United Nations and the Council of Europe. It also produces *amicus curiae* before national courts and before the European Court of Human Rights, regarding children's rights.

The Defender of Rights (*Défenseur des droits* - DDD), another independent institution, has a deputy responsible for children. It receives individual complaints and produces reports in particular on aspects of the child protection system.⁴⁹²

Each of the major national child protection surveys is the result of exchanges between regional and national data. The procedures for these exchanges are described in the presentation of the surveys concerning the DREES ES-PE survey (questionnaire survey of all the institutions concerned) and the ONPE survey on domestic violence (work involving the aggregation and cleaning up of the results obtained by a number of surveys conducted at various times and in various places and according to various methodologies). The Olinpe survey provides for true data exchange between the regional child

⁴⁸⁸ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 121-2](#).

⁴⁸⁹ France, Court of Auditors (*Cour des comptes*), [Child protection. A time-inappropriate policy for children](#), November 2020

⁴⁹⁰ France, see the ONPE's [website](#).

⁴⁹¹ France, see the CNCDH's [website](#).

⁴⁹² France, See Defender of rights [website](#).

protection offices and institutions and the ONPE. For the purposes of this survey, the data is first entered by the services in charge of child welfare, or within local units or districts. They are then extracted and forwarded annually by the local authorities to the DREES. Finally, they are aggregated, cleaned up and analysed by the ONPE. The DREES compiles a “France” database each year, containing all the data received since the launch of the system, which it sends to the ONPE via a secure server. The Olinpe device completes the DREES’ statistical observation device on child protection. The latter is based on two additional sources. First of all, the annual survey on social assistance in the departments collects aggregated information, in each ASE service, on ASE benefits or measures, the characteristics of their beneficiaries (sex, age), and the related expenses. In addition, the quadrennial survey of child protection institutions and services (ES-PE) provides information on the activity of these structures, the professionals who work there and the profile of children, adolescents and young adults who are accommodated there and of those who have left. These two sources provide photographs of their respective fields, but do not provide an understanding of the path of the children. To do this, it is necessary to link them together.

5.1.2. How is the implementation of national action plans and strategies or other policy actions on child protection monitored? Briefly describe the established procedures and mention the actors involved and their roles.

One of the major developments in recent years was the creation in 2019 of a Secretary of State for child protection, the adoption of a national child protection and prevention strategy,⁴⁹³ and the establishing of a committee to monitor its implementation. The Secretary of State to the Minister of Solidarity and Health, responsible for child protection, chaired the first monitoring committee meeting for the National child protection and prevention strategy 2020-2022 on June 19, 2020.

The national Child protection and prevention strategy 2020-2022 aims to ensure that every child has equal opportunity and equal rights. It was supplemented by the 1,000-first-day policy, with the aim of combating inequalities of destiny.

Since 2022, the Secretary of State for Children has been placed directly under the authority of the Prime Minister. An inter-ministerial committee on childhood was set up in November 2022. An inter-ministerial committee on childhood was set up in November 2022.⁴⁹⁴

In addition, as provided for in the Social Action and Family Code (*Code de l'action sociale et des familles*), the ONPE and the Departmental observatories for child protection play a special role in monitoring overall public action in the field and publish periodic reports.

Specific policy plans or actions are monitored through varying processes.

Question	YES	NO	Comments
5.1.3. Is there a child rights assessment existing or foreseen? Please note that child rights’ assessment stands for the measurement of the impact of proposed or adopted legislation on	X		In September 2022, a parliamentary delegation for children's rights in the National Assembly was created. Comprising of 36 deputies, it is responsible for informing the national representation on any issue relating to children's rights. A number of events have been organized to provide food for thought, such as a round table of early childhood professionals. ⁴⁹⁵ It may hear any person it deems necessary and conducts fact-finding missions and

⁴⁹³ France, [National child protection and prevention strategy](#) (*Stratégie nationale de prévention et de protection de l'enfance*), 2020-2022.

⁴⁹⁴ France, see Government’s [website](#).

⁴⁹⁵ [Round table at the National Assembly](#).

<p>children as a group. It is usually done at the parliamentary or ministerial level.</p>		<p>flash missions on subjects within its competence.⁴⁹⁶ A fact-finding mission on violence against children in the French overseas territories was conducted.⁴⁹⁷⁴⁹⁸</p> <p>According to UNICEF, "through its capacity to provide independent expertise to the Government, this parliamentary delegation will enable the National Assembly to promote public policies on these issues, to monitor and control all government actions that have an impact on children and their rights and to ensure that children's rights are respected in each of them".⁴⁹⁹</p> <p>This delegation has the task of measuring the impact of legislation regarding children's rights, but given its recent creation has not yet produced any reports in this respect.</p> <p>The parliamentary delegation is free to choose its working themes and which legislation to assess.</p>
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5.1.4. Are there quality standards for child protection services set in the legislation (including prevention programmes)? (e.g. number of cases per case workers, requirements regarding infrastructures of residential care and number of personnel, performance, and fiscal accountability mechanisms) Please describe.

It is very rare for quality standards to be written into legislation or regulations. For example, while the maximum number of children per family assistant is set to 3 in the regulations, exemptions can be made to this to meet specific needs, with the President of the Departemental Council able to authorise approvals for more than three children.

However, periodic assessment is part of the legislative requirements for child welfare services. It was reinforced by law No. 2022-140 of February 7, 2022 on child protection.⁵⁰⁰ The Social Action and Family Code (*Code de l'action sociale et des familles*) provides that approved institutions must periodically assess their activities, in line with "the social and medico-social organisation plans, drawn up for a maximum period of five years in line with the regional health plan".⁵⁰¹ The purpose of these plans is to assess the type, level and changes in the population's social and medico-social needs, to draw up a quantitative and qualitative assessment of the existing social and medico-social offer, to specify the framework for cooperation and coordination between institutions and services, and to define the criteria for assessing the actions implemented within the framework of these plans, as well as a strategy for preventing the risks of abuse in institutions.

Question	YES	NO	Comments
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⁴⁹⁶ France, see the National Assembly's [website](#).

⁴⁹⁷ National Assembly (*Assemblée Nationale*), Fight against violence against minors overseas. Review of mission report (*Lutte contre les violences faites aux mineurs en outre-mer : examen du rapport de la mission d'information*).

⁴⁹⁹ UNICEF, "[Creation of a parliamentary delegation for children's rights at the National Assembly](#)", Press release, 15 September 2022.

⁵⁰⁰ France, [Law No. 2022-140 on child protection](#) (*Loi No. 2022-140 relative a la protection des enfants*), 7 February 2022.

⁵⁰¹ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 312-4](#).

<p>5.1.5. Is consultation with children and families foreseen and/or taking place in the process of the evaluation of services and measures and in the development of child protection policies and legislation?</p> <p><u>If yes</u>, at what level is this done? Please provide indicative examples.</p>	<p>X</p>	<p>There is no explicit legislative provision for direct consultation with children and families in the assessment of services and actions or in the development of child welfare policy and legislation.</p> <p>However, since the 2007 decree⁵⁰² and the 2011 circular⁵⁰³ setting out the content of the assessment of social and medico-social institutions, users' opinions have to be taken into account. Some professional recommendations on good practice in such assessments also encourage consultation with children and families.</p> <p>It should be noted that it emerges from discussions with child protection professionals⁵⁰⁴ that this consultation of children and families is far from being harmonized or systematic in France. When it takes place, consideration of the comments and observations provided by children and families is very uncertain in the evaluation of services and measures and in the development of legislation and public policies in child protection.</p> <p>A national charter including ethics and deontological principles to be applied in social and medico-social institutions must also be posted up in institutions.</p> <p>At the local level, some child protection observatories involve associations representing users of the child protection system.</p>
<p>5.1.6. Is the responsibility for data collection on child protection determined in the legislative framework?</p>	<p>X</p>	<p>The Social Action and Family Code (<i>Code de l'action sociale et des familles</i>) provides for the collection of data in each department by a Departmental child protection observatory, placed under the authority of the departmental council (<i>conseil départemental</i>)⁵⁰⁵.</p> <p>The departmental observatory for child protection compiles statistics that are brought to the attention of the departmental assembly and submitted to representatives of the State and the judicial authorities.</p>

⁵⁰² France, [Decree No. 2007-975](#), 15 May 2007.

⁵⁰³ France, [Circular No. DGCS/SD5C/2011/398](#), 21 October 2011.

⁵⁰⁴ For the purposes of this research, the authors went beyond primary and secondary sources to interview directly, wherever necessary, public authorities (contacts and discussions with the deputy director of the cabinet of the Secretary of State responsible for children, the deputy director of the General Directorate for Social Cohesion), institutions responsible for children (the former vice-president of the National Council for Child Protection (*Conseil national de la protection de l'enfance*) in particular), and representatives of associations specializing in children's rights and child protection. Contacts were also made with the General Directorate of School Education (*Direction générale de l'enseignement scolaire* - DGESCO) of the Ministry of Education, with staff of departmental child protection services, and with academics working on these issues. Despite reminders, the writers did not receive all the answers to their requests for information, particularly from the DGESCO.

⁵⁰⁵ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 226-3-1](#).

		<p>According to the same code, the information is also collected and compiled at the national level in the ONPE⁵⁰⁶.</p> <p>As the Olinpe system is complicated, many difficulties arise in the sharing of data between the regional level and the national level:</p> <ul style="list-style-type: none"> • Not all departments in 2022 are yet using the software mentioned in the Olinpe decree of 2016. Some software used by some of the departments is therefore not of good enough quality to allow the data of these departments to be taken into account in national data (this is the case, for example, of the Iodas software, which produces a large number of duplicate records, missing start dates and a few other data entry problems or anomalies requiring additional processing by the publisher). • Due to the delay by some publishers in providing the updated IT tool, in accordance with the 2016 decree, some departments have continued to send their information in the format of the 2011 decree. The ONPE continues to receive and to analyze these data in order to avoid transmission breaks and thus to be able to analyse the paths of the children, but this requires an additional investment. • Despite the inclusion in the law of the principle of annual data transmission, 55 departments do not to date send their annual data to the ONPE within the framework of the Olinpe system. Most are users of the Iodas software and are awaiting its update in accordance with the 2016 decree. • A dozen departments present in the Olinpe system before the years 2015-2016, no longer sent data after this date. This loss could be explained by a combination of several factors. Indeed, with the application of the new decree of 2016 and the updating of software generating an additional workload for the departments, some have fallen behind in sending their data. Other aspects can also explain this interruption of transmission such as a renewal of teams. Given the material and human investment required to enter the system, these sending
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⁵⁰⁶ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 226-6](#).

			interruptions constitute losses for the departmental services.
<p>5.1.7. Is there a single authority responsible for monitoring data collection and centralised coordination and data sharing at national level?</p> <p><u>If yes</u>, Is there a national database (a joint database for monitoring and tracking children) for collecting data in the child protection area at the national, regional, or local level?</p>	X	<p>This is the National Observatory for Child Protection (<i>Observatoire national de la protection de l'enfance</i>).</p> <p>The National Observatory for Children in danger (<i>Observatoire national de l'enfance en danger - ONED</i>), set up by law No. 2004-1 of January 2, 2004 on child protection and care,⁵⁰⁷ was changed to the ONPE by the law of March 5, 2007 reforming child protection,⁵⁰⁸ revised by the law of February 7, 2022 on child protection,⁵⁰⁹ which provides that "the National Observatory for Child Protection contributes to the collection and analysis of data and studies regarding child protection, from the State, local authorities, public institutions, foundations, and associations working in this field. It contributes to the consistency of data and information as well as to improving the knowledge of the phenomena of endangerment of juveniles and the issues of adoption and access to personal origins. Within the scope of the public interest group referred to Article L. 147-14, it acts as a national resource center, responsible for identifying good practices and listing or helping to develop tools and guidelines. It ensures the dissemination of these tools and guidelines to child protection and intercountry adoption actors".⁵¹⁰</p> <p>Type of data collected:</p> <p>The largest survey of data collection on child welfare and the situation of children in care is the DREES survey of child welfare institutions and services (ES-PE). The National Observatory for Child Protection also collects and aggregates data on these topics each year. In both cases, the data and elements collected are supposed to be the same, but the National Observatory for Child Protection faces difficulties in collecting these data in all departments.</p> <p>This survey is carried out by means of questionnaires sent to all institutions responsible for child protection: child welfare services and judicial youth protection. The return of these completed questionnaires is mandatory because the survey has been recognized since 2021 as being of general interest and of statistical quality by the National Council for Statistical Information.</p>	

⁵⁰⁷ France, [Law No. 2004-1 on childcare and child protection](#) (*Loi n° 2004-1 relative à l'accueil et à la protection de l'enfance*), 2 January 2004.

⁵⁰⁸ France, [Law No. 2007-293 reforming child protection](#) (*Loi No. 2007-293 reformant la protection de l'enfance*), 5 March 2007.

⁵⁰⁹ France, [Law No. 2022-140 on child protection](#) (*Loi No. 2022-140 relative à la protection des enfants*), 7 February 2022.

⁵¹⁰ France, Social Action and Family Code (*Code de l'action sociale et des familles*), [Article L. 226-6](#).

		<p>The data collected by DREES concern:</p> <ul style="list-style-type: none"> - Their age at the time of the survey - The sex of the individual - The individual's country of birth (broken down into four categories: "France", "European Union", "outside the European Union", "unknown") - Wealth quartile of the youth or their family before placement (economic situation) - Family or social situation prior to placement - Child's legal history - Judicial measures taken against them - Administrative measures to which they are subject - Length of time in care (and therefore age at the time of placement) - Place of residence before placement - Residence status at the time of the survey (type of institution and its location) - Schooling status at the time of the survey - Type of education or training received - School success - Whether or not the disability was recognized by the administration - Whether or not they belong to the "unaccompanied minors" category - The destination of children or young people leaving the institutions in the year of the survey. <p>No data on children's ethnic origin are collected.</p> <p>It does not seem that economic and social data are sufficient to really identify the precariousness or risk of poverty of children or young people. The National Observatory for Child Protection also specifies that it is currently very difficult to obtain data on risk and danger.</p>
<p>5.1.8. Are there common indicators in place to monitor the performance of the child protection system?</p>	<p>X</p>	<p>There are no common indicators to monitor the performance of the child protection system.</p> <p>However, there are multi-year contracts of aims and means (CPOM) signed between associations working in the field and the Departmental Council. The CPOM is now the preferred tool for the deployment of child protection policy and dialogue between associations and the Department. This is a contract by which an association managing social or medico-social services commits to the Departmental Council, over a multi-year period, to receive budgetary allocations according to the aims pursued. The CPOM provides a framework within which these can be defined: the</p>

		<p>positioning of each structure, and the way to develop cooperation with the other local actors; the steps taken by the structures to improve performance in all its dimensions: quality of service, economic efficiency and optimisation of human resources management.</p> <p>A guide for evaluating indicators within the framework of CPOM concluded between the State and civil society organisations has been published in 2012.</p> <p>Regarding specific vulnerabilities, economic and social data seem insufficient to identify precariousness or the risk of poverty among children or young people.</p> <p>In addition to providing these socio-economic and geographic data on young beneficiaries of child protection services, the DREES survey endeavors to provide an inventory of social and socio-educational institutions and services and a presentation the main characteristics of the staff in place in these institutions and services.</p> <p>The breakdown by age is carried out as shown in the questionnaire below:</p>
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		<p style="text-align: center;">D. ENFANTS OU JEUNES ADULTES SUIVIS PAR LE SERVICE AU 31/12/2021</p> <p>Indiquer le nombre d'enfants ou jeunes adultes concernés pour chaque modalité. Le total de chaque tableau doit correspondre au nombre d'enfants ou jeunes adultes suivis figurant dans la partie B.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Sexe</th> <th style="text-align: right;">Nombre</th> </tr> </thead> <tbody> <tr><td>Garçons</td><td style="text-align: right;"> _ _ _ _ _ _ _ </td></tr> <tr><td>Files</td><td style="text-align: right;"> _ _ _ _ _ _ _ </td></tr> <tr> <th style="text-align: left;">Âge</th> <th style="text-align: right;">Nombre</th> </tr> <tr><td>Moins de 3 ans</td><td style="text-align: right;"> _ _ _ _ _ _ _ </td></tr> <tr><td>De 3 à moins de 6 ans</td><td style="text-align: right;"> _ _ _ _ _ _ _ </td></tr> <tr><td>De 6 à moins de 10 ans</td><td style="text-align: right;"> _ _ _ _ _ _ _ </td></tr> <tr><td>De 10 à moins de 12 ans</td><td style="text-align: right;"> _ _ _ _ _ _ _ </td></tr> <tr><td>De 12 à moins de 16 ans</td><td style="text-align: right;"> _ _ _ _ _ _ _ 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5.1.9. Are there data protection protocols in place and adhered to?	X	Personal data are subject to the framework set out by the French law No. 78-17 of January 6, 1978 relating to data processing, files and freedoms ⁵¹¹ and the European General Data Protection Regulation.																																																																																										
5.1.10. Are there any gaps in the data collection system related to child protection in the country, which have been identified by relevant child protection authorities/institutions, civil society organisations or other institutions active in the child protection field? Is there a systematic and consistent collection of data related to child protection at national, regional, or local level? Please mention if efforts are made to address these gaps.																																																																																												

⁵¹¹ France, [Law No. 78-17 relating to information technology, files and freedoms](#) (Loi n° 78-17 relative à l'informatique, aux fichiers et aux libertés), 6 January 1978.

One of the main roles⁵¹² of the ONPE is to set up a robust data collection system regarding the child protection system and to draw up detailed statistical data.

However, data collection is still dependent on feedback from a number of organisations whose methodologies are not always harmonised.

The completion of the questionnaires required for the studies conducted by the ONPE thus remains dependent on other organisations, such as the Departmental directorates of social cohesion (*Directions départementales de la cohésion sociale*) and the Departmental Councils (*Conseils départementaux*).

To estimate the number of children under child protection, the ONPE uses data from the Directorate for research, studies, assessment and statistics (*Direction de la recherche, des études, de l'évaluation et des statistiques* - DREES) and the Directorate for Judicial Youth Protection (*Direction de la protection judiciaire de la jeunesse* - DPJJ), combined with the number of juveniles in educational assistance under Article 375 of the Civil Code, obtained from the juvenile court management charts.

Regarding intra-family child abuse, the ONPE faces methodological challenges and difficulties in harmonising data collection between the source organisations. The ONPE thus provides an overview of the main data (from surveys or administrative sources) relating to the various forms of intra-family child abuse. It aims to provide a national overview of the main figures currently available, both in the general population and in the sub-population of children in the care of the Child welfare system (ASE).⁵¹³

The aggregation of regional data and national data then allows a more global analysis of the situation of children's rights in France which allows international comparisons. In this respect, the reliability of the data produced by the ONPE is crucial. To enable European comparisons, it is essential to create a common analysis system for all the statistical bodies of the member countries.

The methodology used by the ONPE is complementary to the international methodologies promoted by the Council of Europe and the European Union relating to the collection of data on children. It makes it possible to provide statistics encompassing local statistics but struggles to capture more qualitative information on French systems (legal and administrative) as well as on their efficiency.

The Ministry of Justice has begun work on harmonising statistical data on educational assistance at national level (particularly with regard to the time taken to enforce court rulings in this area and the need to cross-reference court data with data from the departmental councils).

5.2. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of child protection accountability in the past 8 years, incl. achievements and (persisting) gaps and challenges.

Major developments since 2014 include the creation on September 13, 2022, of a parliamentary delegation for children's rights in the National Assembly.⁵¹⁴ This delegation is responsible for informing the national representation on any issue related to children's rights. It may hear any person it deems necessary and conducts fact-finding missions and flash missions on subjects within its competence.

Created in 2016, the National Council for Child Protection is an advisory body placed under the Prime Minister to inform and assist the Government on the national guidelines of child protection policy with

⁵¹² France, see the ONPE's [website](#).

⁵¹³ France, see the ONPE's [website](#).

⁵¹⁴ France, see the National Assembly's [website](#).

the aim of building a national strategy. It is consulted on draft legislation or regulations relating primarily to child protection and is also responsible for helping to guide strategic studies, forecasting and assessment work carried out in the field of child protection.⁵¹⁵

Also of note is the strengthening of the National Observatory for children in danger (now the National Observatory for Child Protection (ONPE)) and the deployment throughout the country of Departmental observatories for child protection (*Observatoires départementaux de la protection de l'enfance* - ODPE), which in 2014 was still in its infancy. This is a very positive development for collecting more robust data following more harmonised methodologies.⁵¹⁶ This reduces the diversity that limited the comparability of analyses on a national scale. There remains the difficulty of cross-referencing data from different agencies⁵¹⁷ such as DREES, Judicial youth protection (PJJ), etc.

The ONPE's strategy is to diversify the methods and sources as well as the perimeters in which data collection is carried out. The data therefore relate both to the phenomenon at an individual level (the number of children concerned, for example), at a family level (number of families cared for, for example) or even in relation to the protection measures put in place, or reports made to the judicial authorities. The ONPE therefore combines several types of sources:

- Survey of adults and adolescents (and more rarely children): these studies are based on a declarative method, using questionnaires and are conducted as part of large general population surveys. They therefore have a retrospective character. In France, these are mainly the Life and Health Events (EVS) and Violence and Gender Relations: Contexts and Consequences of Violence Experienced by Women and Men (Virage) surveys, or the 2016 Health Barometer, which examine adults on experiences of their childhood face to face, by telephone or via the Internet.

- Administrative collections of "official" data: these make it possible to have continuous information on the extent of proven or supposed abuse experienced by children. The ONPE then carries out an aggregation of data from several sources: activity data from the police and gendarmerie services, activity data from the National telephone reception service for children in danger (Snated-119) or data from the Information Systems Medicalization Program (PMSI) in particular. The ONPE also benefits from the data produced by the ASE on this issue.

- Literature reviews: they highlight an exhaustive and systematic inventory of existing studies, they therefore involve aggregating all the data available on a given subject to present overall results.

The ONPE also produces its own data through questionnaires or literature reviews. Cross-analysis is used a lot by the ONPE: it makes it possible to gather and put into perspective the information available to check the robustness of the available quantified observation. However, this approach requires adopting similar measures and overlapping perimeters.

Difficulties relating to the sharing of data on child protection are noted. There are errors in the structure of the files which lead to difficulties when aggregating and cleaning up the data. The methodologies used by the different organizations would benefit from being harmonized so that the data and results are comparable and can be added. The variables concerning the type of danger are not well reported. The availability of information is heterogeneous according to departments and institutions.

These difficulties can then lead to gaps in the assessment of the impact on children's rights. The lack of precise data makes it difficult to formulate effective public policies for the protection of children's rights. A large part of the violence suffered by children remains invisible. Qualitative surveys are still insufficient and are still too often disregarded by the public authorities, the resulting measures therefore lack precision and adaptability.

⁵¹⁵ France, see the [website](#) of the Secretariat of State for Children.

⁵¹⁶ France, see the ONPE's [website](#).

⁵¹⁷ France, see the ONPE's [website](#).

The adoption of the European General Data Protection Regulation supplements the French legal framework established by the 1978 Data Protection Law⁵¹⁸ to ensure better protection of sensitive personal data.

5.3. Promising practices

Please list and briefly describe any promising practice in child protection accountability that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

From a structural perspective, among the most promising practices is the creation on September 13, 2022, of a parliamentary delegation for children's rights in the French National Assembly,⁵¹⁹ as well as the creation in 2019 of a State Secretariat dedicated to child protection.

From a public policy standpoint, the adoption of a national child protection and prevention strategy⁵²⁰ and the establishing of a committee to monitor its implementation are noteworthy.

From the perspective of tools, the deployment of departmental child protection observatories throughout the country is likely to ensure better information feedback.

Finally, the consolidation of the Olinpe (*Observation longitudinale et nationale en protection de l'enfance*) system is to be welcomed. Specified by Decree No. 2016-1966 of December 28, 2016,⁵²¹ the Olinpe system whose purpose is to provide the objective framework information needed to guide, supervise and assess public child protection policy, both at national and departmental levels, is to be welcomed. The aim is to provide knowledge on the socio-demographic profile of users and their experience in child protection, the main problems that lead to their being taken into care and the way they are taken into care.

At present, the ONPE indicates that it is setting up the first longitudinal analyses of these data and is working in parallel on the construction of a national database.

⁵¹⁸ France, [Law No. 78-17 relating to information technology, files and freedoms](#) (*Loi n° 78-17 relative à l'informatique, aux fichiers et aux libertés*), 6 January 1978.

⁵¹⁹ France, see the National Assembly's [website](#).

⁵²⁰ France, [National child protection and prevention strategy](#) (*Stratégie nationale de prévention et de protection de l'enfance*), 2020-2022.

⁵²¹ France, [Decree No. 2016-1966](#), 28 December 2016.

6. General education, promotion, and awareness raising

6.1. Education on child rights

6.1.1. Does education on child rights form part of the (national) formal school curricula? If yes, please provide details such as in which types of school and targeting which grade(s) (age group), as part of which school subject and for how many periods in a pupil's school career.

School curricula include human rights education, including children's rights, specifically in the moral and civic education (*enseignement moral et civique* - EMC) programme at the primary and secondary levels.⁵²² For example, in the first year of primary school, pupils must be made aware of children's rights. In the second and third years of primary school, they learn to identify these rights and learn about discrimination. From the fourth and fifth years of primary school through to first year of middle school, pupils learn about and study the International Convention on children's rights. In practice, the application of the EMC programme depends on rectorates and national education inspectors, in accordance with the commitment of those involved.

The second national plan to combat human trafficking provides for the introduction of the subject of human trafficking and the various forms of exploitation into school curricula.⁵²³

A "legal education (*éduc' droit*)" passport, jointly developed by the Ministry of Education and Youth and the Ministry of Justice, aimed at improving children's knowledge of legal institutions and the rules of law, is currently being tested.⁵²⁴ Initiatives are also emerging in the area of violence against girls, but remain relatively generalised.⁵²⁵

6.1.2. Please provide an overview of the most important national and/or sub-national implemented programmes and activities aiming at educating children, parents, teachers, and/or society at large about child rights and/or child protection at national or sub-national level. By which actors were those commissioned, funded, and implemented?

Article 25 of the law of March 5, 2007 *reforming child protection*⁵²⁶ provides that "doctors, all medical and paramedical staff, social workers, magistrates, teachers, sports, cultural and leisure staff, and national and municipal police and gendarmerie services shall receive initial and ongoing training, in part common to the various professions and institutions, in the field of child protection". The content of this training was specified in a decree dated June 23, 2009⁵²⁷ (particularly in terms of detecting warning signals and exercising control local referral and protection systems). It was then strengthened after its entry by the law of March 14, 2016 *on child protection*,⁵²⁸ regarding the knowledge of the needs of the child and their participation in a process. An in-depth course has been provided at the National School of Magistrates (École nationale de la magistrature) for magistrates

⁵²² France, Ministry of National Education and Youth (*Ministère de l'Éducation nationale et de la jeunesse*), [Resources for moral and civic education in cycles 2, 3 and 4](#) (*Ressources d'accompagnement pour l'enseignement moral et civique aux cycles 2, 3 et 4*).

⁵²³ France, [2nd national action plan against human trafficking 2019-2021](#).

⁵²⁴ France, [Statement by the Minister of Justice on the implementing of the Estates General on Justice in the Senate](#), 11 January 2023.

⁵²⁵ France, For the purposes of this research, the authors went beyond primary and secondary sources to interview directly, wherever necessary, public authorities (contacts and discussions with the deputy director of the cabinet of the Secretary of State responsible for children, the deputy director of the General Directorate for Social Cohesion), institutions responsible for children (the former vice-president of the National Council for Child Protection (Conseil national de la protection de l'enfance) in particular), and representatives of associations specializing in children's rights and child protection. Contacts were also made with the General Directorate of School Education (*Direction générale de l'enseignement scolaire* - DGESCO) of the Ministry of Education, with staff of departmental child protection services, and with academics working on these issues. Despite reminders, the writers did not receive all the answers to their requests for information, particularly from the DGESCO.

⁵²⁶ France, [Law No. 2007-293 reforming child protection](#) (*Loi No. 2007-293 reformant la protection de l'enfance*), Article 27, 5 March 2007.

⁵²⁷ France, [Decree No. 2009-765](#), 23 June 2009.

⁵²⁸ France, [Law No. 2016-297 on child protection](#) (*Loi No. 2016-297 relative à la protection de l'enfant*), 14 March 2016.

working with juveniles.⁵²⁹ Several training programmes have been implemented by the Inter-ministerial mission for the protection of women against violence and the fight against trafficking in human beings (*mission interministérielle pour la protection des femmes contre les violences et la lutte contre la traite des êtres humains* - MIPROF) regarding the identification and protection of juveniles who are victims of trafficking.⁵³⁰

The mandate of the National consultative commission on human rights (CNCDH) includes participation in the development of programmes regarding "teaching and research on human rights" and "their implementation in schools, universities and professional environments".⁵³¹ The CNCDH is carrying out various actions to this effect.⁵³²

A Master's degree in child protection law is being set up at the University of Paris II - Panthéon Assas in close cooperation with child protection professionals.⁵³³

There is no significant programme to raise parents' awareness of children's rights specifically. The Defender of Rights carries out actions to raise awareness of children's rights among the public opinion. These actions, and more generally all those by any other bodies aimed at a broad public of children and adults, are intended to reach parents as well.

6.2. Promotion and awareness raising

6.2.1. Please provide information on awareness raising and/or promotion campaigns or relevant activities on child rights (possibly including on the EU Charter of Fundamental Rights) and/or protection issues targeting the general public or children in general at national or sub-national level. Please provide information on the most recent and representative awareness raising campaigns, including information on the target groups, the thematic areas covered, the actors involved, funding, the method of dissemination chosen and the impact of the campaign, if assessed.

Under their respective mandates, the National consultative commission on human rights (CNCDH) and the Defender of Rights (*Défenseur des droits* - DDD) carry out various actions to raise awareness of children's rights.

The DDD has set up an educational programme for children and young adults in which they carry out a 9-month civic service assignment with the institution in order to raise awareness of the rights of children and young people.⁵³⁴ It has also initiated the Educadroit platform, which offers a number of resources for raising awareness of rights among children and youth.⁵³⁵

The CNCDH has published a book on *Human Rights: 13 preconceived ideas to deconstruct (13 idées reçues à déconstruire)*,⁵³⁶ aimed at 14- to 20-year-olds, distributed through various channels in France

⁵²⁹ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 71.

⁵³⁰ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 187.

⁵³¹ France, [Decree No. 2007-1137 concerning the composition and functioning of the National Consultative Commission on Human Rights \(Décret n°2007-1137 relatif à la composition et au fonctionnement de la Commission nationale consultative des droits de l'homme\)](#), 26 July 2007.

⁵³² France, see the CNCDH's [website](#).

⁵³³ France, For the purposes of this research, the authors went beyond primary and secondary sources to interview directly, wherever necessary, public authorities (contacts and discussions with the deputy director of the cabinet of the Secretary of State responsible for children, the deputy director of the General Directorate for Social Cohesion), institutions responsible for children (the former vice-president of the National Council for Child Protection (Conseil national de la protection de l'enfance) in particular), and representatives of associations specializing in children's rights and child protection. Contacts were also made with the General Directorate of School Education (Direction générale de l'enseignement scolaire - DGESCO) of the Ministry of Education, with staff of departmental child protection services, and with academics working on these issues. Despite reminders, the writers did not receive all the answers to their requests for information, particularly from the DGESCO.

⁵³⁴ France, see the [website on the "JADE" programme](#).

⁵³⁵ France, See the Defender of rights [website on the "Educadroit" programme](#).

⁵³⁶ France, see the CNCDH's [website](#).

(with the Ministry of Education) and internationally (with UNESCO). The book is available in child-friendly language, but only in French, but is planned to be translated into English, Spanish and Arabic.

Since 2020, the Ministry of the Armed Forces has issued a memorandum on the prevention of sexual and gender-based violence committed in operations, intended for the armed forces.⁵³⁷ The Ministry of gender equality and the Group for the abolition of genital mutilation (*Groupe pour l'abolition des mutilations sexuelles* - GAMS) have developed a practical guide on female genital mutilation as well as a pedagogical guide for health professionals working with women or girls on how to identify and raise awareness of these situations.⁵³⁸

All these programmes and actions are financed by the State budget.

No specific awareness raising campaign regarding the EU Charter of Fundamental Rights exists in the area of children's rights.

6.2.2. Are there any awareness raising activities regarding complaint mechanisms at national or sub-national level, e.g. for the Optional Protocol to the Convention on the Rights on a communications procedure⁵³⁹? Please briefly describe.

In principle, there is no such mechanism.⁵⁴⁰ At most, a national campaign to raise awareness of child abuse hotlines can be mentioned.⁵⁴¹

6.2.3. Are there any awareness raising or training activities at national or sub-national level on digital literacy, privacy and online safety for children, parents, teachers, and other relevant professionals?

The government platform *Cybermalveillance.gouv.fr* has made available digital safety tips on various interactive media for children.⁵⁴² The platform is intended for adults, in French. It is not translated into regional or minority languages.

The French National Commission for Information Technology and Civil Liberties (*Commission nationale de l'informatique et des libertés* - CNIL), an independent administrative authority, has published on its website a number of educational tools⁵⁴³ in the field of digital education. A set of resources entitled "Be careful on the Internet!" (*Prudence sur Internet*), aimed at children, adults, and education professionals, aims in particular to support children in their digital education.⁵⁴⁴ These resources are available in child-friendly language, but only in French. They are not translated into regional or minority languages. The CNIL has also adopted a set of guidelines regarding the respect for personal data by public and private organisations offering social and medico-social support to juveniles and young adults under 21 years of age.⁵⁴⁵

⁵³⁷ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 102.

⁵³⁸ France, [Sixth and seventh periodic reports submitted by France under Article 44 of the Convention, due in 2021](#), 18 July 2022, CRC/C/FRA/6-7, para. 108.

⁵⁴⁰ France, For the purposes of this research, the authors went beyond primary and secondary sources to interview directly, wherever necessary, public authorities (contacts and discussions with the deputy director of the cabinet of the Secretary of State responsible for children, the deputy director of the General Directorate for Social Cohesion), institutions responsible for children (the former vice-president of the National Council for Child Protection (*Conseil national de la protection de l'enfance*) in particular), and representatives of associations specialising in children's rights and child protection. Contacts were also made with the General Directorate of School Education (*Direction générale de l'enseignement scolaire* - DGESCO) of the Ministry of Education, with staff of departmental child protection services, and with academics working on these issues. Despite reminders, the writers did not receive all the answers to their requests for information, particularly from the DGESCO.

⁵⁴¹ France, see the [website](#) of the Secretariat of State for Children ([link](#)).

⁵⁴² [Cybermalveillance.gouv.fr](#)

⁵⁴³ France, see the CNIL's [website](#).

⁵⁴⁴ France, [Be careful on the Internet! \(Prudence sur Internet !\)](#), 21 October 2022.

⁵⁴⁵ France, CNIL, [Guidelines for the processing of personal data in the context of the protection of children and young adults under the age of twenty-one](#) (*Référentiel relatif aux traitements de données à caractère personnel mis en œuvre dans le cadre de la protection de l'enfance et des jeunes majeurs de moins de vingt-et-un ans*), 20 January 2022.

Several private structures work in the field of raising children's awareness about Internet use, such as the association *E-enfance*, which gives workshops in schools and with pupils and manages the national support number for young victims of digital violence (3018).⁵⁴⁶ This association is part of the *Safer Internet France* programme for the protection of juveniles coordinated by the private company *Tralalere* and supported by the European Commission. The *Tralalere* company also implements the national "Internet Without Fear (*Internet Sans Crainte*)" awareness-raising programme, which helps children keep their digital life under control and organises the global "Safer Internet Day" in France.⁵⁴⁷

The ComCyberGend participates in raising awareness among minors on the use of Internet. This action consists of several campaigns of awareness per year on the French territory in primary and high schools – in partnership with associations like e-Enfance and territorial authorities.

6.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child rights and/or child protection outreach activities/measure targeting relevant groups of society or society at large that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

The actions and programmes referred to in 6.2.1 can be identified as good practices. The "eHo" programme of the International Institute for Human Rights and Peace (*Institut international des droits de l'homme et de la paix* - 2IDHP) can also be mentioned, on the scale of the Normandy region, which each year allows volunteer teachers to develop projects related to a Sustainable Development Goal (SDG) in their school or town, which pupils fully participate in. The 2IDHP guides and supports pupils, including teaching them to make recommendations.⁵⁴⁸ The CNCDH trains referral pupils of the eHo programme and contributes to developing certain teaching materials.

In general, it is regrettable that school curricula do not give more importance (and more effectively) to children's rights. In addition, teaching and training courses deal with the human rights "topic" without necessarily questioning the respect of these rights within the context of these teaching and training courses. For example, teachers are not trained in the implicit biases that are present in schools. Furthermore, despite the explicit mention in the Paris Principles of a role in the development of school curricula, the CNCDH is not a member of the French body - the Higher council for curricula (*Conseil supérieur des programmes*) - which is responsible for this.

⁵⁴⁶ France, see the *E-enfance* association's [website](#).

⁵⁴⁷ France, see the "Internet Without Fear (*Internet Sans Crainte*)" programme [website](#).

⁵⁴⁸ France, see 2IDHP [website](#).

7. Child participation and community engagement

7.1. Complaint procedures

Question	YES	NO	Comments
<p>7.1.1. Are there independent child complaints procedures (e.g. an ombuds institution) that are fully compliant with the Paris Principles⁵⁴⁹ in place, with an ability to hear, review and enforce individual complaints from children?</p>		X	<p>In France, there was a dedicated institution, the Children's Ombudsman (<i>Défenseur des enfants</i>). It was an independent institution, created by the law of March 6, 2000, competent to handle individual complaints.⁵⁵⁰ This institution was abolished in 2011, and replaced by the Defender of Rights (<i>Défenseur des droits</i>),⁵⁵¹ one of whose deputies is competent for children's rights.</p> <p>The abolition of the institution of the Children's Ombudsman (<i>Défenseur des enfants</i>) and its absorption by the Defender of Rights (<i>Défenseur des droits</i>) was strongly criticised, in particular by the National consultative commission on human rights, which expressed its concern about "the amputation of the roles of the new Ombudsman with regard to those currently assigned to the authorities that are to disappear".⁵⁵²</p> <p>The Deputy Defender of rights in charge of the rights of children is called <i>Défenseur des enfants</i>. He is responsible for the protection of rights and freedoms in the context of processing individual complaints submitted to them or in cases that are referred to them on their own initiative. Its role is also to promote rights and equality, in particular through its general recommendations.⁵⁵³</p> <p>It is empowered to receive, hear and process individual complaints. However, its decisions are only advisory. It does not have the power to enforce its decisions and has no power of injunction or compulsion.</p> <p>It is entitled to propose and exercise mediation. For this purpose, it can ask for any document or record concerning the complaint before them.</p> <p>The Deputy Defender of Rights (<i>Défenseur des enfants</i>) may <u>not</u> intervene in proceedings</p>

⁵⁵⁰ France, [Law No. 2000-196 instituting a Children's Ombudsman](#) (*Loi n°2000-196 instituant un Défenseur des enfants*), 6 March 2000.

⁵⁵¹ France, [Organic Law No. 2011-333 regarding to the Defender of Rights](#) (*Loi organique n° 2011-333 relative au Défenseur des droits*), 29 March 2011.

⁵⁵² France, CNCDH, Advisory report on the Defender of Rights, 4 February 2010.

⁵⁵³ France, see the Defender of Rights' (*Défenseur des droits*) [website](#).

			<p>brought before a court or question the correctness of a court decision, but may make recommendations to the person involved.</p> <p>The institution is not recognised under the Paris Principles. It is not accredited with the United Nations.</p>
7.1.2. Are there specialised Courts and compliant procedures with international standards in place for children in contact with the law and for children to access justice and seek redress and remedies for violations of the child protection rights?	X		<p>French law provides for the specialisation of jurisdictions and procedures, in accordance with international standards, whether in criminal, civil or administrative matters.</p> <p>The Constitutional Council (Conseil constitutionnel) has established a Fundamental Principle recognized by the laws of the Republic in the area of juvenile justice,⁵⁵⁴ enshrined in the Order of February 2, 1945 and included in the juvenile criminal justice code (see 1.2.3 and 1.4.10):</p> <ul style="list-style-type: none"> - the mitigation of the responsibility of juveniles according to their age, - the need to seek educational and moral awakening through measures appropriate to their age and personality, - a specialised court or appropriate procedures, - separate courts for juvenile justice. <p>Juvenile courts are separate entities, with an independent entrance and an independent organization. Juvenile judges are specialized judges. The prosecutor who follows the juvenile cases also has a specialized competence.</p>

7.2. Feedback mechanisms

Question	YES	NO	Comments
7.2.1. Are there government support fora such as children's groups established at local/community level, and is a formal mechanism in place through which national/sub-national/local government receive and respond to the feedback and ideas from children and children's groups	X		<p>There is a children's college⁵⁵⁵ set up by the Council for Children and Adolescents (see 1.3.4), which gathers ideas from children and adolescents and hears from children in child protection services.</p> <p>In addition, since 2019, the Defender of Rights (<i>Défenseur des droits</i>) has been conducting a yearly national consultation to collect the thoughts, proposals and recommendations of children for the effectiveness of their rights in France. It seeks the views of children in the</p>

⁵⁵⁴ France, Constitutional Council (*Conseil constitutionnel*), [Decision No. 2002-461 DC](#), cons. 27, 29 August 2002.

⁵⁵⁵ France, See the HCFEA [website](#).

<p>who have received child protection services?</p>		<p>preparation of its yearly report on children's rights. The observations collected by the Defender of Rights (<i>Défenseur des droits</i>) do not necessarily elicit a response from the government.</p> <p>Finally, the Defender of Rights (<i>Défenseur des droits</i>) has set up a network of "Young Ambassadors for Children's Rights (<i>Les jeunes ambassadeurs des droits auprès des enfants</i>)" to provide information to children and adolescents.</p>
<p>7.2.2. Are community-based mechanisms functional across the country where necessary and per applicability and per protocols and procedures? Is their effectiveness monitored by independent accountability mechanisms?</p>	<p>X</p>	<p>In France, there is <u>no</u> community mechanism because of the French constitutional culture which only recognises one community, the national community.</p> <p>While the mechanisms are supervised at the central level, the State's decentralised administrations are deployed at the departmental level.</p> <p>However, civil society associations can carry out monitoring at local level or with regard to particularly vulnerable groups, such as Roma children, children from the Traveller community, or unaccompanied minors.</p> <p>Independent monitoring institutions, such as the National Consultative Commission on Human Rights (<i>Commission nationale consultative des droits de l'homme</i>), regularly hear from these associations as part of its work.</p> <p>The Defender of Rights (<i>Défenseur des droits</i>) has a network of 500 delegates in the regions.⁵⁵⁶</p>

7.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child participation and community engagement that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

Respecting children's right to participate is a real challenge in the French context. The right of children to be heard in judicial proceedings affecting them is recognised. But, as emphasized by General Comment No. 12 of the UN Committee on children's rights, children must also be able to speak freely, and this expression must be systematically taken into account and acted upon, to ensure that children capable of discernment can contribute to decision-making.

The CNCDH promotes the human rights approach,⁵⁵⁷ both as a concept and as a method. This approach involves the participation of children in decisions that affect them, and promotes their empowerment

⁵⁵⁶ France, see the Defender of Rights' (*Défenseur des droits*) [website](#).

⁵⁵⁷ France, CNCDH, [Advisory report on the human rights approach](#) (*Avis relative a l'approche fondee sur les droits de l'homme*), 3 July 2018.

and involvement in their community. Some associations, such as SOS Children's Villages (*SOS Villages d'enfants*),⁵⁵⁸ have adopted this approach.

After a long-term placement, SOS Children's Villages still considers itself to have responsibilities towards the young people it has supported, in particular to prepare them for entry into the world of work: and ensure they have satisfactory level of education and the skills required to lead an independent life (managing a budget and proficiency in the acts of everyday life, taking care of themselves, building up their own relational network, etc.).

Even after the end of their care, the association provides them with advice, assistance in certain procedures, and financial support to carry out a project or deal with an emergency situation.

SOS Children's Villages seeks to raise awareness and alert decision-makers and public opinion to the challenges of the transition to adult life and the difficulties encountered by young people. In 2011, the association made commitments to promote young academic success⁵⁵⁹. To better prepare the young people it accommodates for autonomy, SOS Children's Villages offers possibilities for intermediate care between the SOS Children's Village and independent living⁵⁶⁰: apartments, transition spaces, reception center for teenagers.

More specifically on the transition space⁵⁶¹:

This scheme is included in the course of the young person who, having reached adolescence, can sometimes feel the need to distance themselves from their environment at the SOS Children's Village. The "transition space" offers this possibility while ensuring the continuity of support and preserving the links with their SOS mother and their brothers and sisters. Young people are gradually prepared for independent living in an apartment they share with other young people. The professionals help them on a daily basis with very concrete things such as managing their budget, administrative procedures, or quite simply managing their daily life (meals, cleaning, etc.). They also support them in the development and realization of their professional project. The transition space of the SOS children's village of Jarville (in Meurthe-et-Moselle) has been accommodating young people aged 18 to 21 for several years and demonstrates the interest of this system with young people who are better prepared and more confident in the future. A second transition space, intended for young people aged 16 to 18, opened in March 2015 in Marseille.

On personalized support:

In compliance with the rights and duties related to their status (minor or major), a Personalized Support Project is developed, supported and updated throughout their career, which can last from 6 months to more than 3 years. With the help of the team, each young person must pursue or define their project (school, mobilization or professional) according to their wishes and abilities, most often with a view to gaining autonomy⁵⁶².

Young adult policy⁵⁶³:

At 18, a young person who was placed in care during in childhood is considered an adult. They can find themselves on their own, without any help or support, and may fall into precariousness and isolation. In order to avoid this injustice to young people who have grown up in SOS Children's Villages, the association has set up a new system intended to support and help young adults, which is based on 3 components:

- "Zero dry exits" to guarantee the care of the young person in the SOS Children's Village after their majority, for the time needed to secure their leaving (employment, housing, financial aid, etc.);

⁵⁵⁸ France, see the association's [website](#).

⁵⁵⁹ [Le programme Pygmalion : pour la réussite scolaire \(sosve.org\)](#)

⁵⁶⁰ [L'accès à l'autonomie - SOS Villages d'Enfants \(sosve.org\)](#)

⁵⁶¹ [L'espace de transition : entre village SOS et vie d'adulte \(sosve.org\)](#)

⁵⁶² [L'accès à l'autonomie - SOS Villages d'Enfants \(sosve.org\)](#)

⁵⁶³ [L'accès à l'autonomie des enfants et jeunes placés \(sosve.org\)](#)

- "The Wire" to maintain the link with the young person after the placement ("departure boost", global individual follow-up for a period of 24 months (administrative assistance, moral and psychological support, etc.));

- "Take a break" to allow the young person to return to the SOS Children's Village if they are faced with serious difficulties, with individual support (educational, psychological, financial) for a period of 3 to 6 months.

The Children's Ombudsman (*Défenseur des enfants*) and the Council for children and adolescents (*Conseil de l'enfance et de l'adolescence*) aim to promote children's views and involvement in their communities. The "Défenseur des enfants" is the Défenseur des droits' deputy in charge of the rights of children.

A new challenge is to address "infanticism", the contemptuous language of some adults who denigrate children who express an opinion, especially regarding the climate emergency and the degradation of the environment and biodiversity. The concept of "infanticism" should be clarified in order to combat this phenomenon.